**Administrative Rule R930-6**

# ACCOMMODATION OF UTILITIES
## AND THE
## CONTROL AND PROTECTION OF STATE HIGHWAY RIGHTS OF WAY

**UTAH DEPARTMENT OF TRANSPORTATION**
**Division of Project Development, Railroads and Utilities Section**
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## 1.0 POLICY AND PURPOSE

This document supersedes the following two publications: (1) "Regulations for the Accommodation of Utilities on Federal Aid and Non Federal Aid Highway Rights of Way" - 1970; and (2) "Regulations for the Control and Protection of State Highway Rights of Way" - 1982, and previous editions of this document, “Manual for the Accommodation of Utilities and the Control and Protection of Highway Rights of Way.”

Subsequent to the date of this rule, all provisions contained herein become effective.

The policy of the Utah Department of Transportation (UDOT) is to accommodate utility facilities installations on federal aid and non-federal aid highway rights-of-way, to the extent that these facilities may be accommodated without compromising the safety or integrity of the highway and without interference with the normal operation, maintenance, and construction activities as required for state highways in accordance with Title 72, Chapter 1.

The Utah Department of Transportation allows utilities to place utility facilities on highway rights-of-way which receive federal funds subject to their compliance with the 23 Code of Federal Regulations, Part 645, Subpart B, "Accommodation of Utilities.”

Control of State Highway right-of-way is necessary to provide for the safe and efficient operation of highways and to utilize the full potential of the highway investment. Owners of property fronting on a highway have certain rights of access unless such access has been restricted by purchase or by legal action. Accommodate utility facilities for public service. Road users should also be able to expect reasonably safe highways for travel. These rules are necessary to provide efficient use of the right-of-way to satisfy all of these needs.

These rules and procedures stated herein have been promulgated to achieve traffic safety and to provide reasonable convenience to the traveling public and adjoining property owners, and to provide guidelines for construction of utilities facilities within or across the highway rights-of-way and access management.

## 2.0 AUTHORITY

This rule is authorized by the following sections of the Utah State Code:

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| 41-6-19 | Removal of plants or other obstructions impairing view – Notice to owner – Penalty |
| 41-6-106 | Backing When Permissible |
| 72-1-102(11) | “Limited-access facility" |
| 72-1-201 | Creation of Department of Transportation—Functions, powers, duties, rights, and responsibilities |

| | |
|---|---|
| 72-2-117(9) | Transportation Corridor Preservation Revolving Loan Fund—Distribution—Repayment—Rulemaking |
| 72-3-109 | Division of Responsibility with Respect to State Highways in Cities and Towns |
| 72-4-102.5 | Rulemaking—Criteria for state highways |
| 72-6-116 | Regulations of Utility Facilities - Relocation of Facilities |
| 72-6-117 | Limited-Access Facilities and Service Roads—Access—Right-of-Way Acquisition—Grade Separation—Written Permission Required |
| 72-7-102 | Authorities May Regulate, Require Permit and Security for Excavation or Construction - Limitation on Authority |
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| 72-7-108 | Longitudinal Telecommunication Access in the Interstate Highway System - Definitions, Agreements, Compensation, Restrictions and Rulemaking |
| 72-7-503 | Advertising - Permit Required - Penalty for Violation |

## 3.0 DEFINITIONS

AADT - the average 24-hour traffic volume at a given location over a full 365-day year, divided by 365.

AASHTO - American Association of State Highway and Transportation Officials

Acceleration Lane - a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.

Access or Access Connection - any driveway or other point of entry and/or exit such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway is considered the access.

Access Category – A classification assigned to a segment of highway that determines the degree to which access to a State Highway is managed.

Access Control Plan - a plan that specifies the limitation or management of driveways, streets or other access points which balance the need for reasonable access to land development with the smooth and efficient flow of traffic defined by safety, capacity, and travel speed.

Access Management Plan - means a roadway design plan that designates access locations and their design for the purpose of bringing those portions of roadway included in the access management plan into conformance with their access category to the extent feasible.

Access Operation - the utilization of an access for its intended purpose and includes all consequences or characteristics of that process including access volumes, types of access traffic, access safety, time of the access activity, and the effect of such access on the State Highway system.

ADT - the total volume during a given time period (in whole days), greater than one day and less than one year, divided by the number of days in that time period (AASHTO definition).

ANSI – American National Standards Institute

API - American Petroleum Institute

Applicant - any person, corporation, entity, or agency applying for an access permit.

Appropriate Local Authority - the board of county commissioners if the access is to be located in the unincorporated area of a county, or the governing body of the municipality if the access is to be located within an incorporated municipality. Also, referred to as the local authority, and local government.

Arterial Highway - A general term denoting a highway primarily for through traffic, usually on a continuous route.

ASTM - American Society of Testing and Materials

ATMS – Advanced Traffic Management System

Auxiliary Lane - the portion of the roadway adjoining the traveled way for parking, speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through-traffic movement (AASHTO). (See also "Taper".)

Average Daily Traffic (ADT) - The estimated average 24-hour volume, being the estimated total annual volume during a stated period divided by 365 estimated days annually.

Backfill - Replacement of soil around and over a pipe or utility line.

Bandwidth - the time in seconds or the percent of traffic signal cycle between a pair of parallel speed lines on a time-space diagram that delineate a progressive movement. It is a quantitative measurement of the through traffic capacity of a signal progression system. The greater the bandwidth the higher the roadway capacity.

Bury - Depth of top of pipe or utility line below grade of roadway or natural ground or the bottom of a stream channel.

Cap – A rigid structural element surmounting a pipe or utility line.

Capacity - the maximum hourly rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or a roadway during a given time period under prevailing roadway and traffic conditions (AASHTO). Sometimes it refers to the entire roadway, sometimes to a single lane and sometimes to an intersection.

Carrier – A pipe directly enclosing a transmitted fluid (liquid or gas).

Casing - A larger pipe enclosing a carrier.

Channelizing Island - a defined area between traffic lanes for control of vehicle movements

Clear Roadside Policy - The policy employed by UDOT to increase safety, improve traffic operations and enhance the appearance of highways by designing, constructing, and maintaining highway roadsides as wide, flat and rounded as practical and as free as practical from physical obstructions above the ground, within the clear zone as defined in AASHTO's "Roadside Design Guide."

Clear Zone - the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. The desired width is dependent upon the traffic volumes and speeds and on the roadside geometry as referenced in the AASHTO Roadside Design Guide.

Company - The utility company, whether publicly, privately or municipally owned, who is making application to occupy highway right-of-way.

Conduit or Duct - An enclosed casing for protecting wires or cables.

Control of Access - The condition where the right of owners of abutting land or any other persons having access to highway right-of-way is controlled by the appropriate public authority.

Controlled-Access Highway - every street or highway to which owners or occupants of abutting lands and other people have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority

having jurisdiction over such street or highway. (See also "Limited access highway or freeway".)

Contiguous Property - A parcel of land that has two or more frontages abutting highway rights-of-way.

County Roads - all roads that are or may be established as a part of a county system of roads.

Deceleration Lane - a speed-change lane, including tapered areas, enabling a vehicle to leave the mainstream of faster moving traffic and to slow to a safe turning speed prior to exiting the highway.

Department - Utah Department of Transportation.

Design Hour Volume (DHV) - an hourly traffic volume determined for use in the geometric design of highways. It is by definition the 30th highest hour vehicular volume experienced in a one-year period. For the purpose of this Rule, the Design Hour Volume is the same as Peak Hour Volume, typically in a range of 8-12 percent of AADT if actual volume data not available. (See Peak Hour Factor)

Design Speed - the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern as referenced in the AASHTO Green Book.

Divided Highway - a highway with separated roadways for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical barriers so constructed as to discourage crossover vehicular traffic.

Drain - A facility to accommodate the discharge of fluids from a conduit, culvert or casing.

Driveway - A driveway is an access constructed within the public way, connecting the public roadway with the adjacent property.

Driveway Spacing - the desired distance between adjacent driveways on the side of the roadway as measured from near edge to near edge, considered necessary for the safe ingress and egress of vehicles and the safe operation of the highway at its posted speed.

Easement - An interest in real property that conveys use, but not ownership, of a portion of an owner’s property.

Encasement – The structural element surrounding a pipe.

Encroachment - Unauthorized use of highway right-of-way.

Encroachment Permit – A document that specifies the requirements and conditions for performing work on the highway right-of-way.

Expressway - A divided arterial highway for through traffic with full or partial control of access.

Farm Access - an access to undeveloped or agricultural property.

FHWA - Federal Highway Administration.

Freeway - An expressway with full control of access.

Frontage Road - a public street or road auxiliary to and normally alongside and parallel to the main highway, constructed for the purposes of maintaining local road continuity and the controlling of direct access to the main highway.

Full Access - ingress and egress is afforded at the point of access. Does not mean full movement.

Full Movement - all possible vehicle turning movements to be made at a location.

Functional Classification - a classification system that defines a public roadway according to its purposes and hierarchy in the local or statewide highway system.

Galleries - An underpass for two or more underground utilities.

General Street System - the interconnecting network of city streets, county roads, township roads, and State Highways in an area.

Grade Separation - a crossing of two roadways, a roadway and a fixed guideway, a roadway and a pedestrian walkway, or bike path in such a way that neither facility interferes with the operation of the other.

Gradient or Grade - the rate or percent change in slope, either ascending or descending from or along the highway measured along the centerline of the roadway or access.

Hierarchy of the Roadway - the functionality and the mobility flow of traffic across a system of highway facilities. The natural progression to flow from a highest order facility of high capacity and high operational speed serving major economic centers to the lowest order facility of low volume, low speed and serving multiple driveway connections.

Highway or Street - the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

Highway Prism - The portion of a highway within the construction limits of roadway between the top of cut, or the toe of fills.

Industrial and Commercial - Areas designated as industrial and commercial zones under local government zoning ordinances.

Interchange - a facility that provides ramps for access movements between intersecting roadways that are separated in grade. The ramps and any structures used to accomplish the movement of traffic between the roadways are considered part of the interchange.

Interchange Justification/Modification Study - a study required by UDOT and the FHWA that grants permission to add or alter access of the Interstate Highway System.

Intersection - The general area where two or more highways join or cross at-grade.

Intersection Sight Distance - the distance at which a motorist attempting to enter or cross a highway is able to observe traffic in order to make a desired movement. The required distance varies with the speed of the traffic on the main highway.

Interstate Highway System - any highway officially designated by the Department and included as part of the national interstate and defense highways as provided in the Federal Aid Highway Act of 1956 and any supplemental acts or amendments. (Utah Code 72-1-102.)

Inventory - the listing maintained by the Department that gives the access category for each section of State Highway

Lane - the portion of a roadway for the movement of a single line of vehicles. It does not include the gutter or shoulder of the roadway.

Level of Service (LOS) - a qualitative measure describing a range of traffic operating conditions such as travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels of service are defined from A to F, with A representing the free flow travel conditions and F representing extreme traffic congestion. LOS will be evaluated according to the procedures and conditions defined in the most recent edition of the Highway Capacity Manual and the AASHTO Green Book.

Limited Access Highway or Freeway - a highway especially designed or designated for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts such highway and access to which may be allowed only at existing highway intersections designated by the Department.

Limited (Partial) Control of Access - preference is given to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some existing private driveway connections.

Local Government - the board of county commissioners if the highway section is located in an unincorporated area of a county or the governing body of the municipality if the highway section is located within an incorporated municipality or as defined by the Utah Code.

Local Road - any road or highway in public ownership that is not designated part of the Utah State Highway System or as defined by Utah Code.

Manhole - An access opening in an underground system which workers or others may enter for the purpose of making installations, repairs or maintenance.

Median - The portion of a divided highway separating the traveled ways for traffic in opposite directions.

Median Island - a curbed island that prevents egress traffic from encroaching upon the side of the drive used by ingress traffic. The island ensures that ingress traffic has the necessary maneuvering space.

MPH - a rate of speed measured in miles per hour.

MUTCD - Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration

Normal and Routine Maintenance Activities - Normal maintenance operations are those not requiring excavations in excess of the minimum horizontal clearance and depth of bury.

Pavement Structure - The combination of sub-base, base course, and surface course placed on a sub-grade to support the traffic load.

Peak Hour Volume - for the purposes of this Rule, the same as Design Hour Volume (DHV), typically in a range of 8-12 percent of AADT if actual volume data is not available. (See "Design Hour Volume")

Permit - the document that specifies requirements and conditions under which a driveway, curb cut, or other vehicular access point is granted. Permits defined under this Manual do not include other written permission that may be required for Utility Work in the State Highway right-of-way or other permits referenced in other applicable rules.

Permit Issue Date or Date of Issue - the date when the authorized Department official signs the permit.

Permittee - any person, unit of government, public agency, or any other entity that can own property to whom an access permit is issued. The permittee, normally the property

owner served by the access, is responsible for fulfilling all the terms and conditions of the permit.

Person - Any individual, partnership, corporation, association, government entity, or public or private organization or any character other than an agency, as noted in Utah code 63-46a-2(10).

Posted Speed - the maximum speed limit for a specified section of highway.

Pressure - Relative internal pressure measured in pounds per square inch (psi).

Public Authority - A public administrative agency or corporation authorized to administer a public facility.

Relocate - to remove and establish in a new place and may include, if necessary to conform a property's access to the provisions of this Rule, merging or combining non-conforming access with other existing access so as to eliminate the non-conformance. In such event, the property owner or permittee, if applicable, may be required to remove all physical elements of the non-conforming access such as curb cuts and surfacing material and install curbing, barriers, or other physical separators to prevent continued use of the access.

Rest Area - A roadside area with parking and other facilities, separated from the roadway, provided for motorists to stop and rest.

Right-of-Way - a general term denoting land, property, or the interest therein, usually in the configuration of a strip acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders, berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

Roadside - the area between the outside shoulder edge and the right-of-way limits.

Roadway - The portion of a highway, including shoulders, for vehicular use.

Rural - Areas incorporated, or designated by census, with a population of less than 5000.

Shared Access - an access point serving more than one parcel and/or landowner.
Shoulder - The paved or unpaved portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles.

Shoulder - the paved or unpaved portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles.

Signal - a traffic control signal.

Signalization - installing or modifying a traffic control signal.

Signal Progression - the progressive movement of traffic at a planned rate of speed without stopping through adjacent signalized locations along a corridor or within a traffic control system.

Single Unit Vehicle - a single frame vehicle, longer than a passenger car, described dimensionally by AASHTO as a single unit design vehicle generally including delivery trucks, haul vehicles, camping and recreational vehicles, and motor homes having an overall length of greater than 19 feet and two or more axles.

Slope - the relative steepness of the terrain expressed as a ratio or percentage. Slopes may be categorized as positive or negative and as parallel or cross slopes in relation to the direction of traffic.

Speed Change Lane - a separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase or decrease its speed to a rate at which it can safely merge with or diverge from through traffic. Acceleration and deceleration lanes are speed change lanes.

State Highway - those highways designated as State Highways in Title 72, Chapter 4, of Utah Code. (Utah Code 72-1-102.)

Stopping Sight Distance - the distance required by a driver of a vehicle traveling at a given speed to bring the vehicle to a stop after an object on the roadway becomes visible. It includes the distance traveled during driver perception and reaction times and the vehicle braking distance.

Storage Length - additional lane length added to a deceleration lane to store the maximum number of vehicles likely to accumulate in the lane during a peak hour period to prevent stored vehicles from interfering with the function of the deceleration lane or the through travel lanes.

Structure - Any device used to convey vehicles, pedestrians, animals, waterways or other materials over highways, streams, canyons, or other obstacles. A major structure is a highway structure with a span or multiple span length of 20 feet or more measured along the center line of the roadway and a minor structure is the same as a major structure except it is less than 20 feet.

Sub-base - A layer or layers of specified or selected material of designed thickness placed on a sub-grade to support a base course.

Taper - a transitional area of decreasing or increasing pavement width to permit the formation or elimination of an auxiliary lane.

Traffic Impact Study (TIS) - a study that may be required by UDOT and/or local governments that addresses the impacts of a proposed development, mitigation of impacts, access usage, or land use to ensure the efficient flow of traffic.

Traveled Way - The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes.

Trenched - Installed in a narrow open excavation.

Trip End - a single or one-direction vehicle movement with either the origin or the destination inside a study area. A vehicle leaving the highway and entering a property is one trip end and later leaving the property and entering the highway is another trip end.

UDOT - Utah Department of Transportation

Untrenched – Construction method that does not break the ground or pavement surface. Methods may include boring, jacking or auguring. Also referred to as trenchless excavation.

Urban - A census designated area with a population of 5000 or more or any portion of a designated urbanized Metropolitan Planning Organization planning boundary.

Utility - Privately, publicly, cooperatively or municipally owned pipe lines, facilities or systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, petroleum products, cable television, water, sewer, steam, waste, storm water not connected with highway drainage, and other similar commodities, which directly or indirectly service the public or any part thereof.

Utility Facility - Pipe lines, installations or systems for transmitting or distributing communications, power, electricity, light, heat, gas, oil, petroleum products, cable television, water, sewer, steam, waste, storm water not connected with highway drainage, and other similar commodities.

Utility Line Agreement - Document by which UDOT approves the use and occupancy of highway rights-of-way by utility facilities or private lines.

Variance - A granting of permission to depart from the standards and requirements of this Rule

Vent – An appurtenance designed to discharge gaseous accumulations from casings.

View Area - A roadside area provided for motorists to stop and view the scenery in safety.

Warrant - the criteria by which the need for a treatment or improvement can be determined.

Working Day - any weekday in which a normal day of work can be performed exclusive of delays that result from inclement weather, labor disputes, and material shortages. It does not include weekends and legal holidays.

## 4.0 RIGHT-OF-WAY USE: CONDITIONS AND REQUIREMENTS

### 4.1 General Conditions

The following provisions are applicable to all commercial and industrial establishments, service areas, utility companies, private residences, farms, or any other property.

### 4.2 Transferability

Transfer no permitted interest or right-of-way to another utility or person except by written consent of UDOT.

### 4.3 Recognition of Existing Interests

UDOT recognizes that pre-existing property interests within UDOT rights-of-way may exist. Proof of a pre-existing property interest within a public right-of-way in the form of either a duly executed deed, grant or other document establishing the same, or at least two affidavits is sufficient to establish prior right or title of the utility or person. In the absence of such proof, it is assumed that the utility or person occupies the right-of-way under permit (i.e. by permission), and enjoys no vested interest in the highway right-of-way.

In those instances when UDOT requires a utility or person with a pre-existing property interest to move completely or partially off the right-of-way, UDOT makes appropriate remuneration for the relinquishment of that interest.

The adoption of these rules by UDOT does not constitute an acceptance or recognition of pre-existing property interests. UDOT assumes no liability associated with these interests and uses; either for the safety to users or the traveling public, damage to property, or for the continued use thereof.

### 4.4 Indemnification

Applicants to whom permits may be granted are to, at all times, indemnify and hold harmless UDOT, its employees and the State of Utah from responsibility for any damage or liability arising from their construction, maintenance, repair, operation, or use of any pole line, surface or subsurface line or other facility. The permit holder is responsible for the maintenance of the excavation for a period of three years in accordance with applicable specifications for excavations across State Highway rights-of-way.

## 4.5 Bonding requirements

Unless otherwise provided by prior written agreement, pursuant to the Utah Code Section 72-7-102 each utility or person applying for a permit is required to post a maintenance bond naming UDOT as the insured for the three-year maintenance period. This maintenance bond is required for all excavation permits except from political subdivisions of the state. However, the UDOT Region Director may require a bond of any political subdivision that fails to live up to the terms and conditions of any previous permit issued. The amount of the bond is variable according to the scope of work being done by the permit applicant. The amount of the bond is determined by the UDOT Permits Officer and is set at not less than $10,000. If the highway should suffer damage during the maintenance period due to the permit work, the Department will require the permit holder to restore the highway at no cost to the Department. Alternatively, UDOT may exercise its rights under the maintenance bond to hire a contractor to restore the work and use the funds from the bond to pay for the restoration. The UDOT may also proceed against the bond to recover all expenses incurred by UDOT, its employees or representatives, in bringing the section of roadway interfered with to required standards.

A payment bond to ensure payment of costs incurred by UDOT for planning, coordination, administration and support, plan review, field review, and inspection costs may be required before permits are granted. UDOT may proceed against the bond to recover all expenses incurred if payment is not received from the utility.

Owners of facilities located in the State Highway right-of-way are required to post a bond naming UDOT as the insured. The amount of this bond is set at not less than $100,000, provided that the UDOT Chief Utility Engineer may approve a lesser amount. This bond covers damages that occur to the highway that are attributed to the existence of utility installations in the right of way after the initial maintenance period has expired. Upon discovery of utility caused damage to the highway or to the right of way, UDOT may opt to exercise its rights under the bond to recover costs incurred in the restoration of the highway or right-of-way. Failure to maintain a valid bond in the amounts required is cause to remove the utility from the State Highway right-of-way.

## 4.6 Notice of Damage

Notify the affected utility of damage to any underground utility facility as specified in Utah Code Sections 54-8a and 72-7-102.

## 4.7 Installation of New Utilities and Upgrading or Relocating of Existing Utilities

UDOT acquires rights-of-way that are adequate not only for the construction of the highway facility, but also for its safe operation and maintenance. The rights-of-way are devoted exclusively to public highway purposes, except that certain non-highway uses of rights-of-way may be allowed which are in the public interest provided the uses do not impair or interfere with the free and safe flow of traffic and highway maintenance.

UDOT recognizes that it is in the public interest for utilities to jointly use the right-of-way of public roads and streets when it does not interfere with the primary purpose of the highway. The opportunity for joint use avoids the additional cost of acquiring separate right-of-way for the exclusive accommodation of utilities.

UDOT may require the relocation of utilities located on any highway right-of-way when highway changes are required to provide for the free and safe flow of traffic.

Utility facilities owned by political subdivisions may occupy state highway rights-of-way to provide services to abutting residents, but utilities may not interfere with the free and safe flow of the traffic. When highway improvements require the relocation of facilities, Move them at the owner's sole expense unless UDOT has agreed to pay or share in the cost of relocation as is required under Utah Code subsection 72-6-116.

Utility facilities owned by political subdivisions may be placed in highway rights-of-way that do not directly serve abutting owners. However, the relocation costs may not be funded with highway funds, and totally paid for by the owner unless UDOT has agreed to pay or share in the cost of relocation as is required under Utah Code subsection 72-6-116.

As a condition for obtaining a permit, when it asks to install new facilities within highway right-of-way under any of the circumstances listed in subparagraphs (a) through (c), the utility waives reimbursement for relocation expenses:

a. When the installation of such facilities is to be by attachment to a highway structure.
b. When the installation is to be longitudinally along the highway under the roadway prism or under a cut ditch adjacent to such highway and it does not meet the 60-inch depth requirement.
c. When the installation is within a highway right-of-way in an area that is designated for construction by UDOT on its five year or ten year highway improvement planning documents.
d. These rules apply only to state highways as defined in the Utah Code Section 72-7-102.

## 4.8 Severability

If any part or parts of this rule are held to be unlawful, such unlawfulness may not affect the validity of the remaining parts of this rule. Nothing in this rule is construed to disqualify UDOT from receiving Federal participation on any Federal-aid Highway Project.

## 4.9 Depth of Bury

Bury all utility facilities to a depth of at least 3 feet below the bottom of pavement, or below existing grade if no pavement exists. When facilities are installed within 20 feet from the edge of pavement, the depth requirement is 5 feet in order to avoid conflict with signs or delineators installed by UDOT.

### 4.10 Preservation of New Pavement

Issue no permits to cut or excavate on newly constructed, paved, or overlaid streets. This restriction on new installations lasts for 2 years on all State Highways. Exceptions to this section will be made only in cases of emergency, and only with the approval of the UDOT Region Director.

## 5.0 UTILITY LINE AGREEMENTS, PERMITS AND UTILITY INSTALLATION REQUIREMENTS

### 5.1 Utility line agreements

Any utility company or political subdivision desiring to use a right-of-way for the construction, maintenance, repair, operation, or use of any pole line, surface or subsurface line or other facility must be licensed to do so by entering into a utility line agreement with UDOT. No permits will be issued without a utility agreement first being executed. Execution of a utility line agreement does not constitute a permit to work on the State Highway right-of-way. A utility line agreement is not required for service connections after a main line is installed. A bond is required as part of the utility line agreement. See section 3.5 for bonding requirements. A utility with many points of installation may be required to enter into a statewide utility line agreement. This statewide agreement will set forth the procedures and conditions for utility permits to be used for all installations statewide.

### 5.2 Permits - Reasonableness and Requirements of Issuance

Permits are issued containing reasonable terms and conditions pertaining to crossing, digging-up, or the placement, construction, and maintenance of approach roads, driveways, structures, poles, pipelines, conduits, sewers, ditches, culverts, facilities, or any other structures or objects on rights-of-way.

No utility or person can work in or from, dig up, disturb, or alter the land surface or the roadway surface within the right-of-way of any State Highway under any utility line agreement until a permit, in writing, has first been obtained from UDOT except in emergency situations as provided in Section 5.11 of this rule.

The UDOT Region Director or his authorized representative issues permits for locating or relocating of any utility facility on rights-of-way. Permit applicants must comply with all applicable environmental laws before the UDOT Region Director or his authorized representative issues a permit to proceed with any work. Issuance of a UDOT permit does not imply compliance with environmental regulations.

Two sets of plans with must be submitted with each permit application. The plans show the right of way, all existing utilities, depth of proposed line, location of new facility in relation to centerline of road, and location of manholes.

Plans are reviewed by UDOT staff taking into consideration any future projects. If plans are approved, the permit officer will issue a permit to the applicant, with any appropriate special limitations.

The utility contractor may come in and obtain the permit in the name of the utility company. The contractor will notify a UDOT inspector prior to beginning any work. If an inspector is not needed on the job, the contractor will notify UDOT when work is completed.

For each permit issued, UDOT recovers the cost for planning and coordination prior to issuing the permit, administration and support costs, review of plans by UDOT staff, field review by UDOT staff, and inspection costs.

## 5.3 Location

Utility facilities are located in such a manner so as to:

- Eliminate or at least minimize need for later adjustment to accommodate future highway improvements, and;
- Permit access for servicing with minimum interference to highway traffic.

Longitudinal utility facility installations are located on uniform alignment within 3 feet to the right-of-way line so as to provide a safe environment for traffic operation and preserve space for future highway improvements or other utility installations.

Place new transverse utility facility installations permitted under highways by boring. Open excavation is allowed only when prior knowledge of ground conditions or demonstrated attempts to bore proves impossible.

To the extent feasible and practicable, utility facility highway crossings are on a line generally perpendicular to the highway alignment.

The horizontal and vertical location of utility facilities within the highway right-of-way limits must conform to the clear zone policies as defined in the AASHTO "Roadside Design Guide," current Edition. Above ground utility facilities are roadside obstacles and their location must be consistent with the clearances applicable to all roadside obstacles for the type of highway involved. Any above-ground utilities installed behind barrier curb and gutter are a minimum of 18 inches behind the front face of the curb when no sidewalk exists or preferably 18 inches behind the sidewalk when both barrier curb and gutter and sidewalk exist when right-of-way is available. Installations must meet vertical clearances for electrical power lines as defined in section 5.22, Power and Communication Lines. When a new utility pole is approved to be installed in the sidewalk area, install the pole to meet ADA requirements for sidewalk clearance past the pole.

## 5.4 GPS Requirements

It is the utility company's responsibility to maintain a set of certified reproducible plans and an electronic file showing the location of all utility facilities located in the State Highway

right-of-way. For new facility installations, the utility company uses survey grade Global Positioning System (GPS) to survey their facilities in order to establish its location. Points to locate include major junction points, manholes, valves, changes in line or grade, and any other significant feature that will aid in future planning. The utility is responsible to maintain an accurate file to be used by UDOT for future planning to avoid utility relocations. These plans include appropriate vertical and horizontal ties to the highway control point in order that the exact location of the facility may be established as the need may arise.

If the utility company does not have the plans and files showing the location available to give to UDOT when requested, then it is the responsibility of the utility company to obtain the actual location of their facilities at their own expense. If the utility fails to provide the information requested by UDOT within the schedule established by UDOT, UDOT will hire a Subsurface Utility Engineering consultant and bill the utility company for the cost of locating their facilities.

## 5.5 Design

Design distribution or service line crossings of freeways, spaced as needed to serve consumers in a general area along either or both sides, so as to minimize the need for crossings by utility service connections. In areas where utility services are not available within a reasonable distance along the side of freeways, crossings of freeways by utility service connections may be permitted.

All utility installations on, over, or under the rights of way of UDOT and utility attachments to highway structures, as a minimum, meet the following requirements:

- Electric power and communication facilities conform to the most current edition of the National Electrical Safety Code.
- Waterlines conform to the American Water Works Association (AWWA) specifications C200-86, most current edition, and any local restrictions by political subdivisions.
- Pressure pipelines conform with the current American National Standards Institute (ANSI) B31.3 Edition, American Petroleum Institute (API) for piping No. 1104, 18th most current edition including addenda B31.3a 1993, B31.3b 1994, and B31.3c 1995, American Society of Testing and Materials (ASTM) A53-93a, and A134, A135, and A139 most current edition.
- Liquid petroleum pipelines conform to API and ANSI Specifications.
- Unpressurized sanitary sewer system conforms to the ASTM specifications.
- Federal Pipeline Safety Act, 49 USCA § 60101 et. seq., most current edition and Transportation of Natural Gas and Other Gas By Pipeline, 49 CFR Part 192, most current edition.

Design pipelines located in casings, galleries or utility tunnels to withstand expected internal pressure and to resist internal and external corrosion. Design uncased pipelines to withstand stresses due to external loading.

Joints for carrier line pipes operating under pressure are of leak-proof type of construction.

Design ground-mounted utility facilities to be compatible with the scenic quality of the specific highway section being traversed.

All utility facilities on, over, or under highway right-of-way and attachments to highway structures made of durable materials designed for long service life expectancy reasonably free from servicing and maintenance.

On new installations or adjustments of existing utility facilities, make provisions for known or planned expansion of the facilities. Plan so as to avoid interference when additional overhead or underground lines are installed at some future date.

The utility is responsible for the design of the facility to be installed within the highway rights of way or attached to a highway structure. UDOT is responsible for review and acceptance of the company's proposal particularly the manner in which the utility facility is to be installed including the measures to preserve the safe and free flow of traffic, structural integrity of the roadway or highway structure, ease of highway maintenance and appearance of the highway, and consideration to minimize future relocation due to highway construction.

## 5.6 Appurtenances

Where pipeline carriers of hazardous materials are to be encased, individually analyze each location to determine the need for venting. Where vents are required, they are located at the high end of casings less than 150 feet in length. Where casings are more than 150 feet in length and vents are to be installed, place at both ends of the casing. Vent standpipes are located so as to conform to the Department's clear roadside policy and so as not to interfere with highway maintenance operations or to be concealed by vegetation. Locate vent standpipes preferably at fences or right of way lines.

Where drains are required for tunnels, casings, or galleries enclosing carriers of liquid, liquefied gas, or heavy gas, the drains may outfall into roadside ditches or natural drainage courses approved by UDOT. When hazardous materials are discharged onto UDOT's roadside ditches or natural drainage courses, the owner of the carrier removes the material from UDOT's right of way and restore the site to its original condition at their own expense. These outfalls may not be used as a wasteway for purging the carrier unless prior written approval is obtained from the UDOT Region Director or his authorized representative after clearance with the Office of Loss Control.

Utility are required to install readily identifiable and suitable markers at the right of way line where it is crossed by pipelines carrying materials that are flammable, corrosive, expansive, energized, or unstable pressure. Allow vents serve as markers where possible. Markers are desirable and are encouraged by UDOT for all other pipelines.

Avoid locating manholes in the pavement or shoulders of major highways including urban highways. Exceptions may be made on streets at those locations where manholes are necessary to access existing utility facilities. Insofar as practicable, make every effort to minimize these installations and to avoid their location at street intersections.

Design and locate manholes in such a manner that cause the least interference to other utilities and future highway expansion. The utility makes adjustments of manholes to fit new or reconstructed highway paving, grading, or slope flattening its own expense. To restore the pavement surface around the manhole, the utility pours a concrete collar around the manhole ring and cover to a width and depth approved by the UDOT Region Office.

Install shut-off valves in lines at or near ends of structures and near areas where there may be unusual hazards unless hazardous segments can be isolated by other sectionalizing devices within a reasonable distance.

## 5.7 Inspection

UDOT routinely inspects the work of the utility or their contractor to assure compliance with the agreement and to insure proper compliance with State and Federal regulations. The UDOT Region Director or an authorized representative makes these construction inspections. All costs of construction inspection are paid by the company and may be paid in advance. If the inspection costs exceed the original amount deposited by the utility, the utility reimburses the additional funds to UDOT within thirty days of billing. Failure to do so will cause the permit to be revoked, review the utility license and remove the utility from the right of way. UDOT will refund any inspection fee surplus.

## 5.8 Date of Completion

Complete the work covered by the permit within the specified number of days. Failure to complete the work within the specified time gives UDOT the option of extending the time or revoking the permit and using the bond to pay for completion of the work. Any time extension will be in writing and approved by UDOT.

## 5.9 Costs

The entire cost of new utility installations is paid for by the utility. In the event a highway is reconstructed requiring adjustment of manholes or relocation of the utility on the right-of-way, reimbursement for the relocation occurs pursuant to the Utah Code Section 72-6-116.

## 5.10 Beginning Construction

All excavations and/or other operations on UDOT property or right of way may not be commenced by the utility until and after forty-eight hours notice is given by the utility to the UDOT Region Director or his authorized representative and permit obtained. Carry construction

forward to completion in the manner required by the UDOT Region Director or his authorized representative.

### 5.11 Excavation and Backfill

Make all excavation and backfill in compliance with the Specifications for Excavation on State Highway Right of Way. Make no excavation without first obtaining and posting the required permit. The permit holder is also cleared on a variety of environmental laws, before the permit is issued. An emergency excavation may be made without prior permit if there is imminent danger or loss of life or severe damage to property. In such emergency situations, the excavating parties contact UDOT not later than the end of the first working day following the excavation. None of the provisions of these provisions are waived for emergency situations except for the prior permit requirement. In all cases the permit holder complies with the State Law requiring notification of all utility owners prior to excavation (Blue Stakes).

### 5.12 Traffic Control

The permit holder conducts their operation so there is a minimum of interference to traffic. The utility provides a traffic control plan in conformance with the current Federal Highway Administration's "Manual on Uniform Traffic Control Devices" (MUTCD). This traffic control plan is used during all operations of the utility, in constructing said line. No lane closure is made without prior approval of the UDOT Region Director or authorized representative. Traffic control plans showing detours and signing operations are required in advance for review and approval by UDOT for all lane closures. Peak hour lane closures may be prohibited.

### 5.13 Restoration of Existing Pavement

The permit holder replaces any pavement removed or damaged with pavement of a type and depth approved by the UDOT Region Director or his authorized representative, including gravel base material at their own expense. Accomplish the restoration within 48 hours after completion of excavation and backfill, unless the UDOT Region Director or his authorized representative grants additional time in writing.

Construct new or replaced pavement. If weather conditions do not permit immediate placing of permanent pavement, place a temporary pavement. As soon as weather permits, remove the temporary pavement and replaced with a permanent pavement. If the gravel surface, gravel shoulders or gravel surfaced approach roads becomes contaminated and is not consistent with UDOT specifications, entirely remove and replace the gravel surfacing material with new gravel surfacing material. The repairs to pavement or surface include pavements that are damaged with construction equipment or construction operations. UDOT has the option of restoring the roadbed at the expense of the permit holder.

## 5.14 Restoration of Traffic Signal and ATMS Equipment

Restore any traffic signal equipment or facilities that are disturbed or relocated as a result of the utility work in accordance with plans approved by UDOT. Restoration of traffic signal equipment is done at the permit holders expense by a UDOT approved electrical contractor experienced in signal installation, retained by the permit holder and approved in advance by UDOT. Work is scheduled to ensure that disruption of any traffic signal operation is kept to a minimum. Repairs to fiber optic systems must be inspected and accepted by UDOT prior to backfill.

## 5.15 Restoration of Highway Right of Way

Upon completion of the work, remove all construction material from within the limits of the highway, including mud tracks on paved roads. Carefully grade the disturbed surface to the lines and grades established. Seeding is required to restore vegetation damaged or destroyed.

Properly restore any highway features or facilities such as paint stripes, signs, culverts, etc., disturbed or damaged during the progress of the work to satisfy current standards and regulations.

## 5.16 Utility Maintenance

The utility facility will at all times be maintained, repaired, renewed and operated by and at the expense of the utility. Service the utility without access from any interstate highway or ramp. UDOT reserves the right, without relieving the utility of their obligation, to reconstruct or make emergency repairs to the utility as it may consider necessary. UDOT will give a utility company reasonable time to maintain their facility, but if UDOT is required to make repairs, the utility will reimburse UDOT its cost.

## 5.17 Future Highway Construction

As a condition of permitting a new utility facility in a state right-of-way, UDOT will retain the right to cross such facility at any point within UDOT's right-of-way, necessary for future construction, expansion or improvement of it's highway system provided that UDOT uses due care in protecting the utility facility.

## 5.18 Cancellation of License and/or Permit

If the utility fails to construct, repair or remove said utility in accordance with the terms of the agreement to the satisfaction of UDOT, or fails to pay UDOT any sum of money for the inspection, reconstruction, repair or maintenance of said utility, UDOT retains the right to cancel the permit and remove said utility and restore the highway at the sole expense of the utility. Before UDOT cancels the agreement, it will notify the utility in writing, setting forth violations and give the utility a reasonable time to fully correct the same.

## 5.19 UDOT Maintenance Operations

Underground facilities must be buried to the proper depth to avoid conflict with UDOT's normal and routine maintenance activities. The utility owner protects, indemnifies and holds harmless the UDOT for damages to lines not in conformance with the horizontal and vertical clearances as stated in this rule, or as stated in any applicable special conditions on the permit. Any noncompliance to the above may result in annulment of the utility company's agreement or permit.

## 5.20 Pipelines

### 5.20.1 Location

To the extent feasible and practicable, UDOT requires pipeline crossings perpendicular to the highway alignment thereby minimizing interference with traffic during construction and conflict with other highway facilities.

Avoid conditions that are generally unsuitable or undesirable for pipeline crossings. These include locations in deep cuts, across cuts and fills, on steep slopes, locations near footings of bridges and retaining walls and across intersections at grade or ramp terminals. Also, avoid locations at cross drains where flow of water, drift or stream bedload may be obstructed and in wet or rocky terrain where it is expensive to provide minimum bury.

All locations are subject to a plan or field review by the UDOT's Region Director or an authorized representative to insure that the proposed pipeline installation may not interfere with existing or planned highway facilities or with highway operation and maintenance processes. Installation of privately owned pipelines for the purpose of draining wetlands will not be allowed on highway rights-of-way.

### 5.20.2 Depth of Bury

The critical control for bury on a pipeline crossing is the low point in the highway cross-section. In establishing the depth of bury below an unpaved ditch, make allowances for potential increase in ditch depth resulting from scour, ditch maintenance operations or from the need to increase the capacity of the ditch. On longitudinal installations, control bury by the depths of lateral drainage facilities, buried cable, bridge structures, and likely highway maintenance operations.

In cold climates, take the depth of frost penetration into consideration in determining the depth of bury. The use and occupancy permits and utility line agreements require the utility company to keep accurate records as to location and depth of bury and provide the information to UDOT as per section 4.4.

### 5.20.3 Controls for the Bury of Pipelines

Within the highway right of way, the grade of the top of a pipe is at least 3 feet under the pavement surface. In areas within 20 feet from the edge of pavement where signs or delineators are located, bury utilities to a depth of not less than 5 feet. Place utilities at least 2 feet under sidewalks, paved ditches, unlined ditches or gutters. The UDOT Region Director or his authorized representative may require a greater depth of bury when it is decided necessary to avoid known conflicts. Note the depth of bury and conflict in the permit.

For flexible pipe under pavement, minimum depth of bury is 3 feet or ½ the outside diameter of the pipe whichever is greater.

Depth of bury less than the above may be permitted only when it can be shown by the company that compliance would be unreasonably costly and written approval has been obtained from the UDOT Region Director or his authorized representative.

Where less than minimum depth of bury is essential to avoid the laying of pipelines below the permanent water table, the top of pipe must not project into the pavement subbase. The depth of the pipe is to be approved by the UDOT Region Director or an authorized representative and is to be protected with a casing or capping acceptable to the Department.

Cover for pipelines carrying materials that are flammable, corrosive, expansive, energized, or unstable (particularly as carried at high or potentially high pressures) may not be reduced below acceptable safety limits.

### 5.20.4 Encasement

Use casings for all pipes carrying hazardous materials that are flammable, corrosive, expansive, energized or unstable. The wall thickness of the casing is reviewed and approved by the UDOT Structures Division based on depth of bury, diameter of the casing and other local conditions at the site. Avoid highway structures especially those at depressed grade.

A casing is required for jacked or bored installations of coated carrier pipe unless there is reasonable assurance against damage to the protective coating. Rigid encasement or capping is required if support of pavement might be impaired by a change in shape of a flexible pipe. Encasement is required for any pipeline located within minimum clearances or near bridge footings or other elements of unusual hazard.

Where Federal regulations including 49 CFR Part 192 require, UDOT will allow the use of heavy wall, extra strength pipe approved by UDOT Region Director or his authorized representative in lieu of casings as required by the two paragraphs above.

Where casings are used to cross a non-Interstate highway, the casing pipe extends a minimum of 30 feet beyond the traveled way and at least 5 feet beyond the toe of fill slopes whichever is greater. This is the case except when the utility is located longitudinal to the highway and outside the roadway prism and longitudinal to the highway under the surfacing

when permitted. Encasements will not be required in these instances. On curbed sections, the casing extends outside the outer curb. On freeways, expressways, and other controlled access highways, casings extend to the access control lines.

Where there is a concentration of utility crossings at any one location, consider utility galleries. Utility galleries may consist of concrete box structures or large diameter reinforced concrete or corrugated steel pipe.

Locate and construct vent standpipes so as not to interfere with maintenance of the highway and preferably be located at the fence or right of way line. Vents are required for galleries enclosing carriers of fuel.

Consider casings for pipeline crossings of a highway as follows:

- To expedite in the insertion of a carrier pipe crossing where casing is necessary in order to avoid open trenched construction.
- To protect the carrier pipe from external loads or excessive vibrations either during or after construction of the highway.

It is considered advisable to provide a means for conveying leaking fluids or gases away from the area directly beneath the traveled way to the point of venting at or near the right of way line.

Give consideration to encasement or other suitable protection for any pipeline where there is less than minimum bury, the facility is located near footings of bridges or other highway structures, in areas of unstable or subsiding ground, or at any other location when there may be hazards.

### 5.20.5 Installation

Installation or replacement of pipelines along or crossing existing highways is controlled by the Department's specifications. Trenched construction, when allowed, is accomplished in accordance with the current UDOT specification for Excavation on State Highway Right of Way.

## 5.21 Power and Communication Lines

### 5.21.1 Underground Power and Communication Lines

In general, controls previously outlined for pipelines as related to depth of burial, encasement and installation, are applied to underground installations of electric power and communication lines. Other controls are as follows: Locate longitudinal installations on uniform alignment, preferably parallel to the roadway at or adjacent to the highway right of way line and beyond the clear zone and, as a minimum, 5 feet beyond the fill slope, ditch or curb lines. On conventional highways, suitably encase crossings of underground lines in protective conduit extending beyond the recovery and clear zone area, or 30 feet beyond the edge of traveled way or 5 feet beyond the slope, ditch or curb lines, whichever is the greater distance. In urban areas with curbed sections, conduit extends outside of the outer curbs of the roadway. On

freeways, expressways, and other controlled access highways, longer encasement are required to extend to the access control lines and where appropriate under frontage roads for a sufficient distance to allow future widening of the highway facilities. Installation parallel to the highway right of way is located a minimum distance away from the highway right of way line to allow room for installation equipment. However, provided loops will allow placement of above ground appurtenances such as splice box closures, underground distribution terminals, etc., as close to the highway right of way as is possible, or outside of the right of way on private right of way as determined by the UDOT Region Director or his authorized representative.

### 5.21.2 Overhead Power and Communication Lines

The type of construction, vertical clearance above pavement and location of poles, guys and related ground mounted utility appurtenances along the roadway are considered to be factors of major importance to preserve a safe traffic environment, the appearance of the highway and the efficiency and economy of highway maintenance. Give careful consideration in determining proper location for overhead utility facilities. Where ground-mounted utilities are to occupy the space between the edge of pavement and the right of way line, place them as far as possible from the traveled way and beyond the recovery and clear zone area. In the interest of preserving a safe roadside, highway appearance and efficiency of highway maintenance operations, follow the use of controls or installation of overhead electric power and communication lines in section 5.21.4.

### 5.21.3 Type of Construction

Limit longitudinal installations on the highway right of way to single pole construction. Encourage joint use single pole construction at locations where more than one utility or type of facility is involved. Place particular emphasis on this requirement at locations where the right of way widths approach the minimum needed for safe operations.

### 5.21.4 Vertical Clearance for Power Lines, Communication Lines and Other Lines

The vertical clearance for overhead lines above the highway and the vertical and lateral clearance from bridges must conform with the current edition of the National Electrical Safety Code except the minimum vertical clearance above highway pavement must exceed the National Electrical Safety Code minimum by 13 feet at highway intersections and 8 feet at all other locations. Companies planning on attaching a cable to other utility company poles must obtain a variance from UDOT by completing the "Communication Cable Release Form" (No. T-600) in Appendix C of this rule before a permit is issued by UDOT's District Permits Officer.

### 5.21.5 Location

The location of poles, guys, and related ground-mounted utility facilities on freeways and other highways having partial control of access must conform with the AASHTO's "A Policy on the Accommodation of Utilities within Freeway Right-of-way," Current Edition.

On and along non-Interstate highways, locate poles and related facilities at or as near as possible to the right of way line. As a minimum, locate the poles outside the recovery and clear zone area for the highway section involved. Pole locations should provide for the least conflicts with highway maintenance. There is no single dimension for the width of a clear zone, but is based upon the current editions of the AASHTO "Policy on Geometric Design of Highways and Streets" and the AASHTO "Roadside Design Guide."

Where there are barrier curb sections in use, locate the utility poles as far as practicable behind the face of outer barrier curbs with a minimum of 18 inches and preferably behind the sidewalk section.

Location of overhead utility installations on highways with exceptionally narrow rights of way or on urban streets with abutting improvements may be given a special consideration and be resolved in a manner consistent with prevailing limitations and conditions. Employ techniques permitted by governmental or industry codes that are conducive to a safe traffic environment.

Guy wires to ground anchors and stub poles may not be placed between a pole and the traveled way where they encroach upon the clear zone area. The UDOT Region Director or his authorized representative may allow exceptions. Guy wires within the right of way may require delineation.

Longitudinal installations of poles, guys or other related facilities may not be located in a highway median. When crossing a highway, facilities may not be located in a highway median less than 100 feet in width. Poles and other appurtenances for highway lighting may be located in the median if other alternatives are determined to be impractical and when suitable protection can be provided to the highway user.

## 5.22 Installation On Highway Structures

Attaching utility lines to a highway structure can materially affect the safe operation of traffic and the efficiency of maintenance.

Utility lines will not be installed on bridges except in extreme cases where it can be shown that any other utility location is extremely difficult and unreasonably costly to the utility consumer. In order to be considered "extremely difficult" or "unreasonable cost," the total cost of alternate routing will exceed the cost of attaching to the structure by four times. This does not apply to utility lines serving facilities required for operating the highway.

In extreme cases covered by the paragraph above, the location and design of utility installation on bridges is subject to review and approval or denial by the UDOT Structures Department. Appeal to the UDOT Deputy Director may be requested if the utility disagrees with the decision of the UDOT Region Director or his authorized representative.

Avoid attachment of a pipeline carrying a hazardous material whenever possible. When allowed and the pipeline attachment is cased, open or vent the casing at each end to prevent

possible buildup of pressure and to detect leakage of gases or fluids. When located near a live stream, construct casing so that leakage of the material will not enter the stream.

Attachment of a utility may not be considered unless the structure is of a design that is adequate to support the additional load and can accommodate the utility without compromise of highway features.

Manholes for utility access are not allowed in a bridge deck.

Mount the entire utility installation on the structure so as not to reduce the vertical clearance otherwise available.

Locate utility facilities that occupy a position beneath the structure floor between the outer girders or beams or within a cell and at an elevation above the lowest superstructure steel or masonry.

Attachments of utility facilities to the outside of a structure may not be permitted unless there is no reasonable alternative.

Utility facility mountings must be of a type that will not rattle due to vibrations caused by traffic. Communication and electrical power line attachments must be suitably insulated, grounded, and preferably carried in protective conduit or pipe from the point of exit from the ground to re-entry. The cable will be carried to a manhole located beyond the backwall of the structure. Suitably insulate carrier pipe and casing pipe from electrical power line attachments. The utility is required to make satisfactory provisions for the lineal expansion and contraction of its facility due to temperature variations.

Acceptable utility attachment methods are hangers and/or roller assemblies suspended either from inserts from the underside of the bridge floor or from the hanger rods clamped to the flange of some superstructure member. Bolting through the bridge floor is not permitted.

Clearances of the utility facility from structure members must conform to all governing codes and may not render any portion of the structure inaccessible for any maintenance function.

The utility is responsible for restoration or repair of any portion of a structure or highway damaged by utility facility use.

Take additions protective measures where a casing is not provided for a utility pipeline attachment to a structure. These measures will employ a higher factor of safety in the design, construction and testing of the pipeline than would normally be required for cased construction.

### 5.23 Utility Locations Within Scenic Enhancement Areas

Avoid new utility facility whenever possible within scenic corridor strips, overlooks, rest areas, recreation areas, public parks and historical sites and adjacent rights of way.

New underground utility installations may be permitted within such areas where they do not require extensive removal or alteration of trees visible to the highway user or do not impair the appearance of the area.

Permit new overhead installations of communication and aerial power lines only when other utility locations are not available or are extremely difficult and unreasonably costly, or are less desirable from the standpoint of scenic appearance. Installations may be allowed when the placing of the utility facility underground is not technically or economically feasible or is more detrimental to the scenic appearance of the area.

Overhead installations may be allowed where the proposed installation can be made at a location and in a manner that may not significantly detract from the scenic quality of the area being traversed and the facility can be designed in such a manner to give adequate attention to aesthetic values.

Design and locate to conform to the above requirements, utility installations that are needed for highway purposes, such as for continuous highway lighting, to serve a weigh station, and rest or recreational areas.

### 5.24 Preservation, Restoration and Cleanup *of Highway Rights-of-Way*

Keep the size of a disturbed area to a minimum. Use construction methods in accordance with the UDOT specifications and in compliance with the conditions of the utility line agreements and permits. The *utility or permit holder* ~~Company~~ must promptly repair unsatisfactory restoration work.

### 5.25 Spraying, Cutting and Trimming of Trees:

The Company is required to obtain written permission from the Department before disturbing trees located within the highway right of way. When the removal of a tree is permitted, remove the stump and properly backfill the hole.

The UDOT Region Director or his authorized representative may require replacement with several trees of the same species to assure equal restoration and mitigation in compliance with federal requirements.

### 5.26 Servicing, Maintenance, and Repairs:

Keep all utility facilities in a good state of repair both structurally and from a standpoint of appearance.

## 6.0 SIGNS, SIGNALS, LIGHTING, CROSSWALKS, CURB, GUTTER AND SIDEWALKS

This section describes UDOT policies regarding traffic signs and street name signs, traffic signals, highway lighting, crosswalks, curb, gutter and sidewalks located within the rights

of way of any State highway. Make requests for the installation of and permission to install any of these facilities by permit from the appropriate UDOT Region Director or his authorized representative.

## 6.1 Community Name Signs

UDOT will install all community name signs. UDOT will install signs for communities shown on the official highway map with the official community name in conformance with the Federal Highway Administration's "Manual on Uniform Traffic Control Devices" (MUTCD) and Safety Standards. Install signs on or as close as possible to corporate boundaries. If the community desires to provide a more elaborate notice or identification of the community and/or other information, do so outside the existing right of way and in accordance with the regulations for outdoor advertising.

## 6.2 Street Name Signs

The installation and maintenance of street name signs are not functions of UDOT. Local authorities may install street name signs within the rights of way of State highways. All signs placed within the right of way must conform to MUTCD standards.

## 6.3 Traffic Signs, Signals, Lighting, and Crosswalks

The installation and maintenance of these items must conform to MUTCD and UDOT standards.

## 6.4 Modification Of Existing Traffic Control Devices

When it is necessary to relocate traffic control signs, traffic signal poles, circuitry and appurtenant equipment or other traffic control devices as part of the permitted work, the utility will accomplish said relocation at its expense according to a design approved by UDOT. These modifications require the applicant to provide a traffic study to evaluate the impact.

## 6.5 Damage To Existing Traffic Control Equipment

Any damage to existing traffic control equipment will be repaired or restored at the permit holders expense in accordance with plans approved by UDOT.

## 6.6 Sidewalks

Except as outlined in *UDOT* Policy 08A-2, "Pedestrian Safety Facilities on Construction Projects," the installation of sidewalks is not normally the responsibility of UDOT. However, when a road is reconstructed and existing sidewalks are removed or destroyed, or when obligated to do so, UDOT will construct or reconstruct said sidewalks to current standards.

## 6.7 Curb And Gutter

In the interest of vehicle and pedestrian safety, efficient movement and regulation of traffic, and the more effective and economical maintenance of highway surface and drainage, UDOT may, in accordance with UDOT policy, install new curb and gutter when one or more of the conditions listed below exist:

1. Traffic volumes require the utilization of the entire right of way.
2. Intersection channelization is needed.
3. Additional right of way is necessary to provide standard or bituminous ditch treatment to prevent scour, the proper and safe roadway width and slopes; and the cost of curb and gutter, plus any additional cost made necessary by curb and gutter and installation are less than of right of way costs.
4. Ponding occurs in an unpaved ditch because of extremely flat grades (normally less than 0.3%), and drainage does not function properly except in paved concrete gutter.
5. Traffic needs to flow through a narrower than normal structure.
6. Restriction of access, parking is necessary to protect pedestrian traffic and to obtain full utilization of street for required capacity.
7. In order to control highway runoff after curb and gutter is installed, UDOT should pave full width between the curbs to be in compliance with Policy 06A-43 "Widening Pavements to Curb and Gutter."

# 7.0 STATE HIGHWAY ACCESS MANAGEMENT

This Chapter serves as a rule for the Utah Department of Transportation on the issuance of driveway and street access permits and also provides guidance to land owners or developers for **when** a driveway or access permit is required, **how** to apply for a driveway permit, **what** standards or guidelines are considered in the granting of access permits, and what to do when a **variance** request from the standards or rules is sought.

Among the various standards and guidelines that permit officers must use to make their decisions, the constitutional doctrine of inverse condemnation is one of the most important. Permit officers are instructed to familiarize themselves with UDOT's Private Property Guidelines and to use the assessment form that is attached to them whenever they believe a permit request must be denied or subjected to a condition. Depending on the outcome of the assessment process, certain denials or proposed conditions might cause a "taking" making the applicant entitled to compensation. If so, the permit officer should attempt to narrow the condition so that the taking is eliminated or the cost to the department reduced.

## 7.1 Introduction

### 7.1.1 General Provisions

This Section serves to establish highway access management procedures and standards to protect Utah's State Highway system. The State Highway system constitutes a valuable resource and a major public investment. The Utah Department of Transportation has an obligation and a public-trust responsibility to preserve and maintain the State Highway system, protect the public investment in this system, and to ensure the continued use of State Highways in meeting state, regional, and local transportation needs and interests.

Failure to manage access to and from State Highways can cause an increase in accidents, increased traffic congestion, decline in operating speed, loss of traffic carrying capacity, and increased traffic delays. This failure results in reduced traffic mobility, increased congestion, transportation costs and delays, and contributes to higher rates of property damage, personal injury, and fatal accidents. The proliferation of driveways, intersections, and traffic signals without regard to their proper design, location, and spacing degrades highway operation and performance and poses traffic hazards for the traveling public.

The Department recognizes that property owners have the right of reasonable access to land uses. This Rule establishes standards that balance the need for reasonable access to land uses with the need to preserve the smooth flow of traffic on the State Highway system in terms of safety, capacity, and speed.

It is a goal of the Utah Department of Transportation to improve public safety in the development, design, and operation of the State Highway system. In exercising this public safety duty, the document includes provisions to limit the number of conflict points at driveway locations, separate highway conflict areas, reduce the interference of through traffic, space at-grade signalized and unsignalized intersections, and provide for adequate on-site circulation and storage.

Statewide implementation of access management techniques ensures equitable, uniform, consistent, and systematic application of Access Management standards. Access Management standards in this Rule have developed segments or classifications of highways that have similar traffic movement purposes and objectives. Access Management standards have been calculated to achieve safety, capacity, and traffic flow objectives for each classification.

This Rule requires that permission to modify, install and installation of access facilities to the State Highway System be made by permit from the Department. This document provides a description of information to be contained in the permit application, the standards against which the application will be measured, and the administrative relief offered by the Department to review the balance of private property rights of reasonable access versus the public need to preserve the smooth flow of traffic on the State Highway system. The standards, procedures, and requirements of this Rule are in addition to other county or municipal land use regulation authority and apply to access permits on the State Highway system. Local governments may

adopt similar policies or procedures for application of access management on other street systems.

It is the intent of the Department to work closely with property owners and local governments to provide reasonable access to the general street system that is safe, enhances the movement of traffic, and considers the vision and values that local communities have established for themselves.

UDOT will utilize all of the right of way to the best advantage for highway purposes through a permit action that assesses and grants the number, location, width, and design of connecting facilities and driveways.

The primary function of a state highway is to provide state highway system continuity and efficiency of state highway system operation and maintenance activities. A state highway will provide access to property as a secondary function (State of Utah Code, 72-4-102.5).

### 7.1.2 Implementation

The Rule and associated amendments may be implemented in phases at the discretion of the Department. All Access Management Standards included in this Rule are based on nationally accepted traffic engineering principles and a rational process designed to balance the need for reasonable access to land uses with the efficient flow of traffic. This Rule, standards, and processes herein may be implemented without formal assignment of State Highways to Access Management Categories, without formal development of application completeness checklists, without formal development of variance or appeals forms, development of signal or corridor access plans, or without the formal or informal development of other procedures referenced or implied by the adoption and use of this Rule.

UDOT will issue Access permits only when the application is found to be in compliance with this Rule or the judgment of the Department. The Department is authorized to impose terms and conditions as necessary and convenient to meet the requirements of this Rule. In no event will an access permit be issued or authorized if it is detrimental to the public health, welfare, and safety.

UDOT will permit direct access from property adjacent to a State highway facility only if the proposed access meets the purposes and requirements of this Rule. Local traffic from a subdivision abutting a State Highway will be served by an internal street system of adequate capacity, intersecting, and connecting with State Highways in a manner that is safe and consistent with the assigned access category and that meet or exceed design requirements of this chapter.

A grant of access permit may be for direct, reasonable (indirect), temporary or shared access. A grant of access does not mean or guarantee full or full movement access at an access point or connection.

### 7.1.3 Corridor Agreements

The Department, in cooperation with local governments, may draft agreements for the planned and future spacing or installation of access points and connections based on the assigned access category for the facility. The local governments will consider these agreements upon approval of their local development orders. See 7.2.8, General Permit Issues, for more information.

A corridor agreement in the form of a Signal Plan or Access Control Plan may cause to supersede an Access Category assignment, provided the agreement is recognized and maintained by the Department and the local jurisdiction including relevant transportation plans.

## 7.2 Administration

### 7.2.1 Purpose

This section sets forth the procedures and requirements governing the issuance of State Highway access permits by the Utah Department of Transportation for use or occupancy of right-of-way on State Highways for the purpose of constructing and using private driveways and approaches and/or public road and street intersections connecting with a State Highway. The access category inventory for the State Highway system, the access permit types, and the permit process are covered in this section.

Access applications are held to various standards with the level of importance of the roadway and the magnitude of traffic to and from the land use or development. The identifying Access Management Category for that segment of roadway defines the level of importance of the roadway. The Category is assigned based on, but not limited to, evaluation of the attributes and characteristics of whether or not the facility is a part of the National Highway System (NHS), Federal Highway Administration functional classification, urban or rural designation, and posted speed. State Highway Access Management Standards are defined for signal spacing, street spacing, driveway spacing, and access separation to/from interchanges.

### 7.2.2 Access Inventory

The Department maintains an inventory of each section of State Highway listing its access category assignment based on the access categories described in 7. 3 Access Categories and Standards. The Access Inventory that lists the access category of each section of State Highway is available from the appropriate Department Region and District office.

In deliberations regarding selection of access category assignments, the Department may consider adopted administrative and functional classifications, National Highway System (NHS) routes, designated urban areas, existing and projected traffic volumes, posted and operating speed, current and future highway capacity and levels of service, current and predicted levels of highway safety, adopted state and local transportation plans and needs, the character of lands adjoining the highway, adopted local land use plans and zoning, the availability of existing and planned vehicular access from local streets and roads other than a State Highway, and other

reasonable access provided by municipal streets and county roads. Assignment boundaries should be logical and identifiable. Maintain highway system hierarchy and facility continuity to the extent reasonable.

### 7.2.3 Inventory Review and Request for Reassignment

Requests for changes in the access category of a State Highway or sections thereof will be submitted to the Department through the appropriate local authority and metropolitan planning organization where appropriate. Include information pertaining to the factors cited above in all requests and explain the need for the requested change. The explanation will also discuss how the requested change is consistent with and conforms to the purpose and standards of this Rule and does not compromise the public health, safety, and welfare. A request for reassignment in access category is not made solely to accommodate eventful or planned growth of an entity, a specific access request, or to allow the permitting of access connections that would otherwise not be permitted.

The Department coordinates and cooperates with local governments in the review of plats, zoning, subdivision, and other land use regulations affecting the safety and operation of State Highways to ensure that future access requirements related to local land use decisions are consistent with the purposes and standards of this Rule. The issuance or approval of any permit, agreement, plat, subdivision, plan, or correspondence will not abrogate or limit the regulatory powers of the Department in the protection of the public's health, safety and welfare.

**Inventory Update**

The Department reviews the inventory once every two years to accommodate requests and changes in the highway environment affecting the access requirements of the highway. The initial assignment of access categories and any subsequent revision is determined in cooperation and coordination with appropriate local authorities, including public input, to ensure that category assignments are compatible with preserving and maintaining the highway's intended and designed function within the State Highway system and within the context of the area's transportation needs and plans.

### 7.2.5 Permit Types

Access Permit

A grant of access permit is required from the Utah Department of Transportation whenever a new driveway, other curb cut, or local street connection is required on a State Highway. This applies to permission to construct a new driveway or vehicular access, modify or relocate an existing driveway or access, or to close an access on the State Highway right-of-way. A new access permit is also required when there is a change in land and use or a change in the use of an existing Access Permit. (See 7.2.6 Access Permit Process and 7.2.15 Request to Breach an Established Line of Limited Access or No Access). Abuse or noncompliance of a grant of access will be subject to enforcement through fine and or corrective measures. A grant of access

permit does not carry a right of construction. A fee will be assessed for the review and assessment of the permit application.

Temporary Access Permit

A temporary grant of access permit from the Department is required whenever seeking a temporary driveway or connection to a State Highway. A temporary driveway or connection may be for the purpose of access necessary to accommodate actions associated with site construction or development. (See Sections 7.2.6 and 7.2.15) Note the term of the temporary grant of access on the permit. Abuse of a temporary grant of access will be subject to enforcement through fine and or corrective measures. A fee will be assessed for the review and assessment of the permit application.

Construction Permit

A grant of access permit does not carry a right of construction. Applicant or designee of the applicant, will have to apply and receive approval for a construction permit (related to the access permit) with appropriate traffic control and construction plans. Attach a copy of the grant of access to the construction permit. A fee will be assessed for the review and assessment of the permit application.

To apply for an access permit, it is recommended that applicants work closely with both the local government land use approval division as well as the appropriate UDOT Region or District office.

### 7.2.6 Access Permit Process

Contact Appropriate UDOT Region Office

To apply for grant of access to a State Highway, contact the appropriate Regional or District Office of the Department. Appropriate application forms and materials can be obtained at any Department office location. Department offices are listed in Appendix.

Permit Required

A State Highway Access Permit is required to construct, modify, relocate, or close a vehicular access, where such work will connect to or be within State Highway right-of-way. To obtain permission, submit a complete application to the Department for review. The Department will return incomplete applications to the applicant. Permit applicants will comply with all Federal, State, and local government approvals and environmental laws before the Department can grant a permit.

- Site plan approval by a local government does not entitle the applicant to access a State Highway.

- Grant of access from the Department does not imply endorsement or approval of the submitted sit plan.
- Grant of access approval, by permit, does not allow applicant to construct the access. A construction permit is additionally required (7.2.5, Permit Types: Construction Permit).

Condition(s) requiring a Grant of Access Permit:

New Access Request (no previous access)

- Modification of Access Request (reconfigure / relocation / reconstruction)
- Change of Land Use
- Change of intensity of Land Use
- Closure of Access (access no longer utilized / needed)

Change of intensity of land use is recognized when an existing land use, through development or redevelopment, intensifies. Use ITE Trip Generation procedures or other Department accepted methodology to identify this change. An unacceptable level of change requiring permit application and review would be a trip generation that exceeds 100 trips peak hour and/or 500 trips daily. A review will be recognized if change in trip generation is 20% or greater than existing. A review will also be recognized if trip generation change caused a change in Permit Application Level.

Appropriate UDOT Regional permit approval is also required for other land use changes defined by local government that includes any land use change that requires a change in zoning, site plan, or conditional use approval by the local government entity. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Rule and permit terms and conditions. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs, and occupants. The permittee or property owner will contact the Department if any significant changes are made or will be made in the use of the property that will affect access operation, traffic volume, and or vehicle type to determine if a new access permit and or modifications to the access are required.

The intent of this subsection is to recognize that beneficial modifications to existing developed property are to be encouraged. The redevelopment, reconstruction, remodeling, assemblage, and any other modifications to existing property will allow the property to retain some direct access if direct access currently exists.

Closure of the access may be required where there is a private access modifying or requesting access to category 1, 2, or 3 State Highways, a change in the land use, or if the access requires full conformance with the standards of the category.

### 7.2.7 Preparing The Access Application

Pre-Application/Concept Meeting

Prior to submitting a permit application, contact the appropriate Department Region or District office for information about the application process and the type of information required. The applicant is advised to consult with the Region Permit Officer during a pre-application meeting to determine the appropriate access category, permit application level, and traffic impact study requirements, and scope for the project.

A preliminary meeting provides Department personnel and/or local authorities an early opportunity to examine the feasibility of the access proposal with the applicant and to consider whether it is permissible under the Department's access standards. This meeting provides an opportunity to discuss site specific conditions and options for site access location and design, review the applicability of requirements in this Rule or requirements in any locally adopted access plans, and agree on the necessary materials to be submitted with the formal permit application. Preliminary discussion of these matters can expedite later review and evaluation of the permit application.

It is strongly recommended that applicants seeking an access permit for large, high-volume residential, industrial, commercial, and/or retail development (sites potentially generating 100 or more daily trips) request a pre-application meeting with appropriate Department personnel and local authorities. Participants can decide whether to proceed with a Traffic Impact Study and if so, to discuss its scope. Level 2, 3, and 4 access permits will require a detailed Traffic Impact Study. See Section 7.2.13, Traffic Impact Studies, for more information.

- Applicants should provide sufficient materials such as preliminary maps, plans, and documents to illustrate the site, the size and type of proposed land use, estimated traffic volumes, vehicle types generated by the site, adjacent public roads and highways, adjacent properties, and any existing or available access points.
- Identification of Established Line Control, Limited Access or No Access. Determination should be made whether an established line of Limited Access or No Access exists in relation to or adjacent to the area in which access is sought.

Where a Limited Access or No Access line occurs and a break of the line is granted for an access, the applicant and or permittee is responsible for the costs incurred for reimbursement in relation to the line break or modification. (see, 7.2.15 Request to Breach, for more information).

More than one pre-application meeting may be needed to identify and assess a permit application.

The review and assessment of an access request involving a break, modification or closure of a Limited Access or No Access line is more complex and involved than a regular request. Requests under these circumstances may require more than 45 days of review, as entities outside the Department will be involved in the assessment.

If a pre-application meeting is held, an application can be submitted anytime after the pre application conference.

The pre-application conference is not binding on the Department or the applicant. Information presented and findings generated during the pre-application meeting will be documented and confirmed in a written notification. However, only the information presented in the formal permit application is utilized in the permit review.

Access Category Determination

Applicant may determine the appropriate Access Category from several sources. First, determine approximate location of site in relation to State Highway System. The Access Category may be determined graphically either on hard copy map available at the appropriate Region or District office or via the Department web site. A written listing of the Access Category Inventory will be available via the same sources. Mapping will not be held as the sole determination for access category assignment. Use the Access Inventory to determine the access category assignment when the category cannot be determined from mapping. Field assessment by a Permit Officer or designee will verify the appropriate access category assignment. 7.3.3 Roadway Categories, explains in detail the Access Categories. Table 7.2-1, State Highway Access Management Categories, below, lists the Access Category types.

**Table 7.2-1**

**State Highway Access Management Categories**

| **Category Assignment** | | **Level-of-Importance** |
|---|---|---|
| 1 | I | Interstate / Freeway |
| 2 | S-R | System Priority Rural |
| 3 | S-U | System Priority Urban |
| 4 | R-S | Regional Rural |
| 5 | R-PU | Regional Priority Urban |
| 6 | R-U | Regional Urban |
| 7 | C-R | Community Rural |
| 8 | C-U | Community Urban |
| 9 | O | Other |

Upon application for an access permit, the Permit Officer will verify the appropriate access category. The Permit Officer will make the final determination on the category assignment.

Access Type

Applicant will note on application the type of access requested.
Access types are:

- Agricultural
- Residential
- Commercial

Connection Service

The applicant will note on the application the type of physical connection requested. The connection may serve either a private or public street or private or public driveway connection.

Permit Type

The applicant will identify the type of access permit requested for the site, either temporary grant of access or grant of access. The applicant may request a grant of access permit for direct access to the state highway system. A temporary access permit may be requested alone or in conjunction with an access permit for a site. The access permit may cover multiple driveways or connections serving a site under the application. All property to be developed, whole or part by phase of development, must be declared.

Permit Level

The level of application required is based upon the size and magnitude of the proposed project applying for a permit. Threshold criteria for different levels of projects have been developed to avoid placing an undue burden on applicants with small projects, while ensuring that large projects with significant impacts are thoroughly evaluated.

Four application levels have been developed based on site-generated traffic of AADT and or peak hour volumes. Each level defines specific threshold elements related to required applicant site plan elements, permitting process, permitting schedule, applicant fees, traffic study requirements, and other permit related issues. The information and level of detail required to review an application will vary according to the type and usage of the access connection requested and will be determined based on the thresholds outlines in, Table 7.2-2: Guidelines for Access Permit Levels.

Traffic Impact Study Determination

A Traffic Impact Study (TIS) is required of all access permit applications. The purpose of the TIS is to identify system and immediate area impacts associated with the proposed connection(s). Identification of impacts and appropriate mitigation measures allows the Department to assess the existing and future system safety, performance, maintenance, and capacity needs.

Determination of the extent of the TIS study area is at the determination of the attending Region Traffic Engineer and/or other Department employees. The study area, depending on the size and intensity of the development and surrounding development, may be identified by parcel boundary, area of immediate influence or reasonable travel time boundary. An acceptable traffic study boundary, based on travel time, may be identified as a ten or twenty minute travel time or even by market area influence.

**Table 7.2-2**
**Guidelines for Access Permit Levels**

| Permit Type App. Level | Thresholds | Typical Land Use Intensity Thresholds (ITE Trip Generation) | Traffic Impact Study Required |
|---|---|---|---|
| **I** | Projected site traffic < 100 ADT<br>**and**<br>No proposed modifications to traffic signals or elements of the roadway | Single Family < 10 units<br>Apartment < 15 units<br>Lodging < 11 occupied rooms<br>General Office < 9,000 square feet<br>Retail < 2,500 square feet | YES<br><br>Conditions Apply |
| **II** | Projected site traffic between 100 and 3,000 ADT<br>**or**<br>Projected peak hour traffic < 500<br>**and**<br>Minor modifications to traffic signals or elements of the roadway | Single Family 10 to 315 units<br>Apartment 15 to 450 units<br>Lodging 11 to 330 occupied rooms<br>General Office 9,000 to 270,000 sq. ft.<br>Retail 2,500 to 70,000 sq. ft.<br>Gas Station 1 to 18 fueling positions<br>Fast Food 1,000 to 6, 000 sq. ft.<br>Restaurant 1,000 to 26,000 sq. ft. | YES |
| **III** | Projected site traffic between 3,000 and 10,000 ADT<br>**or**<br>Projected peak hour traffic between 500 and 1,200<br>**or**<br>Proposed installation or modification to traffic signals or elements of the roadway, regardless of project size | Single Family 315 to 1,000 units<br>Apartment 450 to 1,500 units<br>Lodging 330 to 1,100 occupied rooms<br>General Office 270,000 to 900,000 sq. ft.<br>Retail 70,000 to 230,000 sq. ft.<br>Fast Food 6,000 to 20, 000 sq. ft. | YES |
| **IV** | Projected site traffic > 10,000 ADT<br>**or**<br>Proposed installation /modification of two or more traffic signals, addition of travel lanes to State Highway or proposed modification of freeway interchange, regardless of project size | Single Family > 1,000 units<br>Apartment > 1,500 units<br>Lodging > 1,100 occupied rooms<br>General Office > 900,000 square feet<br>Retail > 230,000 square feet | YES |

The TIS will, at a minimum, incorporate traffic engineering principles and the standards as presented in this Rule. Additional requirements and investigation may be imposed upon the applicant as necessary.

Likely information presented in the TIS may include, but is not limited to, site location and proposed access point(s), phased and/or full development trip generation, connection point design elements, adjacent and relevant development, existing and future traffic volumes, assessment of the system impacts, and mitigation measures as appropriate.

The applicant is responsible for performance and delivery of an acceptable traffic impact study. The TIS is performed by an individual or entity demonstrating capability to analyze and report mobility, traffic engineering elements, and design elements as necessary for the application study area and site design.

See Section 7.2.13, Traffic Impact Studies, for more information on the preparation of a Traffic Impact Study for access permit review.

Request for Variance from Standard

Application preparation may also include seeking an access variance that allows the applicant to depart from the standards and or requirements of this Rule. A variance from the spacing standards can only be sought if the subject property and proposed access points can not achieve the minimum spacing standards under the appropriate access category and no other reasonable access can be afforded the site. Once prepared, the request for relief is submitted to the appropriate Region office of the Utah Department of Transportation where access application processing takes place.

- An access permit will not be granted or authorized if, in the Department's determination, its continued use and operation poses a hazard to public mobility, health, safety, and welfare.
- A request to breach an established line of Limited Access or No Access will be treated as a Request for Variance from Standard for a permit application.

Except as provided in the 7.2.12, Variance Request Procedures, when the applicant is requesting a variance from the standards set forth in this Rule, submit the request as an attachment to the application. A variance from a design standard may be considered by the Department in accordance with the provisions and procedures defined in 7.2.12, Variance Request Procedures.

The Variance request initiates a process of review whereby the substandard traffic engineering circumstances allow for either improvements to or no negative impact of traffic flow in terms of safety, capacity, and speed that results from granting an access permit that otherwise does not meet access standards described in this Rule.

A Permit Officer at the appropriate UDOT Region level can issue a grant of access with variance.

Submit Application For Review

Once the appropriate permit application level has been determined, the access permit applicant will complete the application along with any required attachments reasonably necessary to review and assess the application and complete the permit. If a pre-application conference is held, the application will consist of the attachments requested at that conference. Attachments may include plans, maps, traffic studies, surveys, deeds, agreements, documents, data, and location of any significant utilities to be moved. The application level will determine the scope of the attachments necessary.

All submitted applications become the property of the Department. Items without relevance to the approval or denial of the application or completion of the permit will not be requested. If the applicant is other than the fee surface rights owner of the property to be served, include sufficient evidence of concurrence or knowledge in the application by the fee surface rights owner and proof of development rights, (i.e. option to buy, federal use permit). Give complete names, addresses, and telephone numbers of the property owner(s), the applicant(s), and primary contact person, on the application along with the expected dates of construction and commencement of use of the access. When the owner or applicant is a company, corporation, or government agency, provide the office, title, and the name of the responsible officer. A corporation must be licensed to do business in the State of Utah. Intentional misrepresentation of existing or future conditions or of information requested for the application for the purposes of getting a more favorable determination is sufficient grounds for the rejection of the application, permit denial, or revocation of a granted permit.

### 7.2.8 Application Review

For an access permit, submit one complete application with attachments to the Region Permits Officer at the appropriate Department Region Office. The Region Permits Officer is the primary contact for the applicant with the Department throughout the process. Direct inquires regarding a permit application or review, are directed to the Region Permit Officer.

Completeness Check

The application and completeness review period begins upon receipt of an access application including the completed application form and any necessary attachments (Variance Request or Traffic Impact Study) by the Region Permits Officer as indicated in Table 7.2-3.

**Table 7.2-3**
**Application and Completeness Review Periods**

| Permit Application Level | Completeness Review Period | Application Review Period |
|---|---|---|
| I, II, III, IV | 10 days | 45 days |

The Region Permits Officer will date and initial or stamp the original application form with the date of receipt. The typical Completeness Review period is 10 days. An application is considered to be complete unless the Region Permit Officer determines it is not and provides that

determination in writing. If an application is determined to be incomplete, the completeness review period ends.

The Region Permits Officer will promptly transmit written notice to the applicant if the application is not complete and insufficient for review. The notice will include any outstanding items, issues, or concerns given the available information. Failure of the Department to comply with the preliminary review periods does not preclude the Department from approving or denying any application.

Upon receipt of the Department's letter requesting more information, the applicant may provide additional data and information as appropriate, or withdraw the application. If the applicant provides additional information as requested, the application completeness review period starts over. If the applicant withdraws the application, then later resubmits an amended application, use the same procedures as for the initial application submittal.

Subsequent to the completeness review period, if necessary information is later determined to be missing or necessary for the submission, the Application Review will cease and the Department will promptly transmit written notice to the applicant requesting the necessary information if the Department determines that it is in the public interest to do so. Upon receipt of the Department's letter requesting more information, the applicant may provide additional data and information as appropriate or withdraw the application. If the applicant provides additional information as requested, the application review period starts over.

Formal Application Review

The Region Permits Officer will begin processing the application when the application has been identified as complete. A complete application means and the applicant has been notified the application contains the required attachments and is complete. The review period may now begin. The typical review period is 45 working days for the application. The Region Permits Officer may involve other Department, Region, or Headquarters Staff in the review of all aspects of the application and attachments. The Department will use this Rule and any other applicable state and federal laws, policies, or guidelines for evaluating and acting on the application and the appropriate attachments. If during the review of the application it is found that additional information for review is necessary, the Permit Officer will address in writing, to the applicant, the need for additional information. The application review period will cease and begin again upon acceptance of the additional information.

The Department may grant the access as proposed, require layout and location modifications as it considers appropriate, restrict one or more turning movements as necessary to reduce traffic and safety impacts, or deny the access, all as determined by the standards of this Rule. Any access permit prepared by the Department will conform to all sections of this Rule unless a request for variance is submitted and approved.

Variance procedures may be considered for any design standard of this Rule that is not applicable or feasible given the proposed physical and/or operational characteristics of the site, in accordance with Section 7.2.14 Variance Request Procedures. The application will be denied if

the proposed access cannot meet the requirements or standards of this Rule including consideration of appropriate variance criteria or other applicable laws. If the Department denies the permit application, the Department will provide the applicant a copy of the permit application marked "denied" and a written explanation of the decision.

An appeal may be requested of the Department decision on a permit request. An appeal can only be requested after a permit has been denied by the appropriate UDOT Region or District. Section 7.2.16, Permit Appeal Procedure, provides information concerning the access appeal process. An appeal will involve a hearing of the applicant's case to an internal UDOT region access appeals committee and will consider all relevant circumstances including, but not limited to, undue or extreme impacts incurred by the applicant or land use caused by the denial of the access request. Any appeal of Department action will be made pursuant to and will be governed by right of appeal as presented in the Utah Administrative Code, R907-1: Administrative Procedures.

An approved permit will be prepared and transmitted to the applicant for signature if the Department approves the access proposal. It is the responsibility of the applicant to obtain the signature of the permittee. The permittee will sign the permit if the terms and conditions are acceptable and return the entire permit. In accepting the permit, the permittee agrees to all terms and conditions of the permit.

The issue date of the permit is the date the Department representative signed the permit.

Permit Fees, Forms, and Records

The Department will establish and collect a reasonable schedule of fees for the review and administration of access permits pursuant to this Rule. The permit fee schedule will not exceed the cost of the review and administration of the access permit. The appropriate access permit fee may be found in the Department schedule of fees.

The appropriate permit review fee will be due upon written notice of a satisfactory Completeness Check. The Formal Application Review will not proceed until payment has been accepted. Failure to provide payment will nullify the submission.

The Department may establish a fee schedule to charge an hourly fee or daily fees for the closure of any travel lanes necessary for the construction of a private access. The purpose of the fee is to encourage the quick completion of all work that reduces highway capacity and safety or interferes with the through movement of traffic.

The Department will maintain a copy of the permit issued for as long as the permitted access is in existence pursuant to the permit.

Record the access permit to the property deed. The responsibility of recording the access permit to the property deed is upon the permittee.

**Permit Expired**

A permit is expired if the access is not constructed within six months of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within six months after the permit issue date, the permittee may request a six-month extension from the Department. No more than one six-month extension may be granted under any circumstances. If the access is not under construction within one year from date of issue, the permit will be considered expired. Submit any request for an extension in writing to the Department before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy the access permit. Extension approvals will be in writing. To reestablish an access permit that has expired, begin the application procedures again.

The permit is deemed withdrawn if the Department has not received the signed copy of the permit and fee payment, if any, from the applicant within 45 days of the date of approval transmittal. After receiving the signed permit, the Department will mark the permit paid, sign the permit, and return a copy to the applicant. The permit will be considered denied if the permittee does not agree to all the terms and conditions of the permit.

When this Rule or related official forms require the signature of the permittee(s) or applicant, the signatures will be that of the specific individual or if a corporation or partnership or other entity, the duly authorized officer or agent of the corporation or partnership or other entity. Include the name of the corporation, partnership, or entity with the signature.

The granting of an access permit conveys no rights, title, or interest in State Highway rights-of-way to the permit holder or property served. A permit for direct access to a State Highway does not entitle the permit holder to control or have any rights or interests in any portion of the design, specifications or operation of the highway or roadway, including those portions of the highway built pursuant to the terms and conditions of the permit.

For any permit involving changes in the roadway or structures, the Department may require the permittee to hire a licensed Professional Engineer in the State of Utah to inspect the access carefully and to affirm to the best of their knowledge and belief that the construction is in compliance with the permit, Department specifications, materials construction monitoring and testing, and to report any item that may not be in compliance or cannot be determined to be in compliance and the nature and scope of the item relative to compliance. The Department may require testing of materials. When so required, test results will be provided to the Department or as specified on the permit.

### 7.2.10 General Permit Issues

Right-of-Way Acquisition

The intensity of traffic associated with a proposed use may require the provision of new State Highway roadway improvements to handle the traffic associated with the development. In such a situation, when the Department has shown that the State Highway roadway improvements

are made necessary by the development, the property owner can be required to provide such improvements. Provided that the improvements are required, right-of-way necessary for these State Highway improvements including travel lanes, turn lanes, and auxiliary lanes is to be conveyed without cost to the Department by dedication or by a warranty deed or permanent easement. Unless otherwise determined by the Department, other non-roadway appurtenances such as curbs, sidewalks, shoulders, bike lanes, bike paths, drainage structures, ditches, landscaping, utilities, and traffic control devices that are beyond the edge of the roadway, may be on permanent easements or if in public ownership then by agreement or conveyed without cost to the Department by dedication or by a warranty deed or permanent easement.

Property required by the Department for permit related highway access improvements is described above. All right, title, and interests are conveyed. All current title policies will be provided and be acceptable to the Department. The owner will certify that the property is clean of environmental contamination or indemnify the Department from any contamination responsibilities prior to conveyance. The Department may refuse to accept any property, including but not limited to that containing or suspected of containing hazardous substances, toxic wastes, or other contamination until such substances are removed and or the property is certified clean by the appropriate governmental entity, and if necessary, the Environmental Protection Agency.

Access Requests by Local Authorities

Requests by appropriate local authorities for new access or for the reconstruction of existing access to the State Highway (such as county roads and municipal streets) will be administered by the Department as provided in Section 7.2.5 Permit Types, by special written agreement, or by contract between the Department and the local authority. The local authority will be considered the applicant. Access to subdivisions and other developments will be processed in the same manner as a private access and applied for pursuant to Section 7.2.6 Access Permit Process, until the access is constructed, completed, and accepted as a public access and public way by the appropriate local authority.

Where a private development accessing the roadway of an appropriate local authority necessitates access improvements and where the private access should become and operate as a local roadway connecting to a State Highway, the permittee may either be the local jurisdiction, the developer, or a combination, at the discretion of the local authority. Identify the intended connection on the local jurisdiction transportation master plan.

A private development may not apply for a private driveway access permit with the appropriate local jurisdiction as the applicant.

Modification or Improvement of Access

Modifications to an existing highway access that is either in use or can demonstrate historical use and does not comply with the provisions of this Rule, may be granted according to the following provisions:

- The applicant demonstrates that the proposed access point(s) will improve the operation or safety of the highway. Consolidation of access points is encouraged and is defined as a benefit to the highway for application of this rule. Where there are multiple accesses serving the site, a 50 percent reduction (rounded up for odd numbers) will be sufficient.
- The Department may require closure of those accesses to the State Highway that are in excess of those allowed for undeveloped properties according to the criteria of this Rule if the above cannot be demonstrated.
- The applicant may be required to comply with the requirements of the local jurisdiction and this Rule pertaining to public improvements, auxiliary lanes, and other access design criteria to the extent possible in order to maintain safe operations of the roadway system in accordance with the needs of the access category.

Vehicular use and operation of local roads where they connect to (access) a State Highway is the responsibility of the appropriate local authority. The local authority should maintain such State Highway access locations in conformance with this Rule to the extent feasible and within statutory and public funding limitations. The local authority may fund any necessary improvements by obtaining contributions from the primary users of the access or as off-site subdivision improvements necessary for the public safety.

The Department may, when necessary for the improved safety and operation of the roadway, rebuild, modify, remove, or relocate any access or redesign the highway including any auxiliary lane and allowable turning movement. The permittee and or current property owner will be notified of the change. Changes in roadway median design that may affect turning movements normally will not require a license modification hearing as an access permit confers no private rights to the permittee regarding the control of highway design or traffic operation even when that design affects access turning movements.

The property owner or authorized representative served by a lawful access may make physical improvements to an access with the permission of the Department. The applicant will make the request on standard permit application forms and may specify that the request is for improvements according to this subsection. This subsection does not apply when there is or will be a change in historical grandfathered use or access use. The application will be processed as provided in Manual except the Department may only take action on the request for improvement. Denial of the application for improvements does not constitute revocation of the existing access authorization. If approved for improvements, the permit need not require full Manual design compliance, so long as access is improved above current conditions and there is no deterioration in safety or operation of the highway. Denial of an application to enlarge, relocate, or modify an existing lawful access, in no way impairs the permit for or right to the existing access for its legal historical use.

Maintenance and Permit Transfer

The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access are responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any

cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. The permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department may maintain the roadway including auxiliary lanes and shoulders except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee is responsible for such repair. Any significant repairs, such as culvert replacement, resurfacing, or changes in design or specifications requires authorization from the Department.

Signal Control Plan

The Department may, at its discretion, initiate, direct and/or develop a signal control plan for a designated portion of a State Highway. A signal control plan provides the local authority and the Department with a comprehensive action plan for identification of signal locations along a corridor or segment of corridor. The purpose of a signal control plan is to provide for efficiency of signal progression and corridor functionality.

All traffic control devices or modifications will meet the requirements of the MUTCD as required by state and federal statutes. To the extent practical, the plan will meet the functional characteristics and design standards of the assigned access category and conform to all standards and specifications in this Rule. All existing and future signal placements will also conform to the requirements of the Department as indicated by the Department Traffic and Safety division.

The signal control plan should achieve the optimum balance between state and local transportation planning objectives and preserve and support the current and future functional integrity of the highway. The signal control plan should be noted in the local jurisdiction transportation master plan.

The signal control plan will indicate the location of existing and future signalized locations. The plan will identify signal locations; intended to be modified, relocated, realigned, removed, or added. The plan will identify access ways that may need to be consolidated. Signalized access should be reserved for State facilities and local jurisdiction routes noted on transportation plans and transportation master plans.

Hold at least one advertised public meeting during the development phase of the plan. The Department or the appropriate local authority will notify all property owners of record abutting the State Highway within the plan limits of the proposed plan and afforded the opportunity to submit any information, data, and agreements regarding the proposed plan.

The plan must receive the approval of both the Department and the appropriate local authority to become effective. This approval will be in the form of a formal written agreement signed by the local authority and the Region Director of the Department. Where a signal control plan is in effect, all action taken in regard to access will conform to the plan and current Manual design standards unless both the Department and the local authority approve a geometric design waiver under the guidance waiver of this Rule.

Access Corridor Control Plans

The Department or the appropriate local authority may, at its discretion, initiate, direct and/or develop an access corridor control plan for a designated portion of a State Highway. An access control plan provides the appropriate local authority and the Department with a comprehensive roadway access design plan for a designated portion of State Highway for the purpose of bringing that portion of highway into conformance with its access category and its functional needs to the extent feasible given existing conditions. The plan should achieve the optimum balance between state and local transportation planning objectives and preserve and support the current and future functional integrity of the highway. The plan should be noted in the local jurisdiction transportation master plan.

Indicate within the access corridor control plan existing and future access locations and all access related roadway access design elements including traffic signals that are to be modified and reconstructed, relocated, removed, added, or remain. Do not preclude the current or future accommodation of other transportation modes of bicycles, pedestrian, and transit.

Reserve signalized access for State facilities and local jurisdiction routes noted on transportation master plans. All traffic control devices or modifications will meet the requirements of the MUTCD as required by state and federal statutes. To the extent practical, the plan will meet the functional characteristics and design standards of the assigned category and conform to all standards and specifications in this Rule.

Hold at least one advertised public meeting during the development phase of the plan. The Department or appropriate local authority will notify all property owners of record abutting the State Highway within the plan limits of the proposed plan and they will be afforded the opportunity to submit any information, data, and agreements regarding the proposed plan.

The plan must receive the approval of both the Department and the appropriate local authority to become effective. This approval will be in the form of a formal written agreement signed by the local authority and the Region Director of the Department. After an access control plan is in effect, the local authority and the Department must approve any modifications to the plan. Where an access control plan is in effect, all action taken in regard to the access will be in conformance with the plan and current Manual design standards unless both the Department and the local authority approve a geometric design waiver under the guidance of this Rule.

Department And Local Government Highway Construction Projects

When in the course of State highway improvement it is necessary to reconstruct, improve, relocate, close, or bring into conformance an existing access or accesses with this Rule, the Department will initiate the appropriate procedures, permits, and agreements. Written concurrence by the appropriate local authority in the design plans illustrating access changes or by correspondence will constitute concurrence.

An access cannot be upgraded to serve a greater purpose unless an appropriate permit allows the improvement. The cost of any upgrade will be at the expense of the property owner if necessitated by changes or anticipated changes in the use of the property.

A public highway reconstruction project is not required to bring legal access into full compliance with current Manual standards, but only to the extent reasonable within the limitations and scope of the project, consistent design parameters, and available public funds.

Where there are multiple accesses to the same ownership, public highway reconstruction may result in the combining and reduction of the number of accesses or modification of access size and design in order to meet necessary design and safety standards. The appropriate local authority may exercise its own legal authorities, resolutions and ordinances, to reduce the number of accesses to an ownership. Such local authority does not extend to the opening of new access to State Highways except as allowed by state law.

Temporary access within a highway project construction zone for highway construction activity is permissible. A temporary access permit is required for any new temporary access location that provides access to the traveled portion of the roadway. Detail the duration, design, use, and traffic controls of the access in the permit and on the project's traffic control plan. The Department as stated in sections 7.2.6 and 7.2.15 must review these temporary access requests.

Under no circumstances will the construction or reconstruction of a private driveway by a private interest interfere with the completion of a public highway construction project. The private interest will coordinate work with Department project engineer for the project.

### 7.2.11 Construction of Access

Phased Construction of Access

Upon request, the phasing of the installation of access design requirements may be allowed if the average use of the access at any time does not exceed the constructed design and the Department or local authority is provided monetary or legal guarantees that access permit terms and conditions will be met prior to any use of the access exceeding the existing design of the access.

The following items may be used in this regard: posting a bond, irrevocable letter of credit, certificates of deposit, inclusion in zoning ordinance, inclusion in subdivision plats or land use permit requirements, inclusion in the deeds to the properties involved, and any other techniques as approved and accepted by the Department. Include all such arrangements as terms and conditions of the permit. The local authority or Department may record notices in the county records of such agreements to inform future property owners of potential liabilities and responsibilities. If the project is to be phased over time, the schedule, location and other details of each phase will be provided by the permittee.

Traffic Control Installation

The Department at its discretion may complete the installation of permanent traffic control devices. The permittee pays for direct costs and labor provided by the Department for the installation and relocation of all traffic control devices within public right-of-way directly related to the use or construction of the permitted access. Failure of the permittee to pay within a reasonable period may be considered grounds for permit suspension that may lead to revocation and access removal.

Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide by all permit terms and conditions is sufficient cause for the Department to initiate action to suspend or revoke the permit and close the access. The Department may suspend the permit for cause if it determines failure to comply with or complete the construction requirements of the permit create a highway safety hazard. Department approval is required if the permittee wishes to use the access prior to completion and included in the permit under "approval with condition". The Department may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials.

The permittee will provide appropriate construction traffic control devices at all times during access construction in conformance with the MUTCD and UDOT Standard Drawings for Traffic Control.

### 7.2.12 Access Violations

The Department may install barriers across or remove any access that it determines to be illegal. Costs incurred by the Department to install barriers or remove access will be reimbursed by the permittee before the access is restored. The appropriate permit fee will be assessed if a permit application review is to be initiated.

When an access is constructed or used in violation of this Rule, the Department may summarily suspend an access permit and immediately order closure of the access. Costs incurred by the Department in closing an access will be reimbursed by the permittee.

When an access is constructed without prior grant of access, the Department will impose a fine/fees. The Department will order immediate closure of the access. The offender will reimburse costs incurred by the Department in closing an access.

### 7.2.13 Traffic Impact Studies

Need for Traffic Impact Study

A traffic study is necessary to identify, review, and make recommendations for mitigation of the potential impacts a development may have on the roadway system. Physical characteristics and operational characteristics of the roadway are typically identified. The Region Permits Officer and/or Region Traffic Engineer determine the need for a traffic impact study.

An applicant may be required to submit a traffic study for any proposed access or connection within an area identified by the Department. Area definition may be defined by, but not limited to, an identified safety problem, accident review, congested locations, or as a result of a change in land use and/or access in accordance with an access permit application. The study area may also be defined by a travel time boundary, area of influence, physical boundaries, or political boundaries.

Purpose of the Traffic Impact Study

TIS are intended to:

- Document whether or not the access request can meet the standards and requirements of this Rule and other applicable regulations.
- Analyze appropriate location, spacing, and design of the access connection(s) necessary to mitigate the traffic.
- Analyze operational impacts on the highway and permissible under the highway's assigned access category and in accordance with applicable requirements and standards of this Rule.
- Recommend the need for any improvements to the adjacent and nearby roadway system to maintain a satisfactory level of service and safety and to protect the function of the highway system while providing appropriate and necessary access to the proposed development.
- Assure that the internal traffic circulation of the proposed development is designed to provide safe and efficient access to and from the adjacent and nearby roadway system consistent with the purpose of this Rule.
- Analyze and recommend the means for land uses to minimize their external transportation costs to the traveling public through traffic improvements necessitated by that development as well as making the fullest use of alternative travel modes.

Traffic Impact Study Requirements

When a Traffic Impact Study is required (See Table 7.2-2), prepare the study according to the Department Traffic Impact Study Requirements. The appropriate Region Traffic Engineer in consultation with the permit applicant will determine the traffic study area limits.

### 7.2.14 Variance Request Procedures

An access variance grants permission to depart from the standards and requirements of this Rule for the purpose of review of the permit application.

Applicants seeking a variance from the standards and requirements of this Rule will submit the request as an attachment to the formal permit application. A subsequent request for a variance may be allowed in accordance to the completeness check review procedure as a supplement to a previously submitted application if the Department determines that it is in the

public interest to do so. The Region Permit Officer and Region Traffic Engineer will review all requests for variance.

The request for a variance will specify, in writing, why the variance is appropriate and necessary. Include in the request, documentation of conditions with and without the variance with the documentation showing that the applicant has considered all practical and reasonable mitigation alternatives. The variance request results from the application of the standard or requirement of this Rule suffered directly and solely by the applicant, and is not self-created or self-imposed such as by the applicant acting with or without knowledge of the applicable standard or requirement. A variance will not be granted for procedural requirements.

The applicant is responsible for showing that the variance request meets minimum acceptable engineering, operation, and safety standards and the variance is not detrimental to the public health, welfare, and safety and the variance is reasonably necessary for the convenience and welfare of the public.

The Region Traffic Engineer will consider the factors cited in 7.2 and will ensure that granting a request for variance is consistent with the purposes of this Rule cited in 7.1.1. The Region Traffic Engineer will consider specific factors in determining that the granting of a variance will not negatively impact the current and proposed operation of the highway:

- The applicant has considered all other feasible alternatives to provide reasonable access to the land use or development and can demonstrate that better alternatives in terms of highway operations are not feasible or does not exist.
- The applicant has considered access through a shared use driveway or access point with an adjacent land use and such a shared use access is not feasible.
- The applicant is providing on-site or off-site traffic improvements that might offset the negative impacts of granting an access that does not meet standards.
- The applicant has considered and demonstrated trip reduction strategies that allow the access to properly function without creating a negative impact to the highway.
- The applicant has provided traffic engineering or other studies to determine that the access will not degrade the efficient flow of traffic on the highway in terms of safety, capacity, travel speed, and other functional features of the highway.

The review and final action of whether to approve or disapprove the variance will be completed within forty-five (45) days of the date of acceptance of the request for variance application.

Include the documentation of reasons for approving the variance in the Department files and records pertaining to the permit if a variance is granted. State in the terms and conditions of the approved permit and variance that the permittee may be required to improve, modify, eliminate, or correct the condition responsible for the variance when it is evident that the justification for the variance is no longer valid.

The permit may stipulate conditions and terms for the expiration of the permit when the necessity for the variance no longer exists, allowing direct access to a State Highway when the

access proposal cannot meet the standards of this Rule, or when the property would otherwise be without reasonable alternative access if a variance were approved.

If a variance is denied, the applicant may initiate an appeal only after complete review and determination of the access permit application. An appeal process will be governed by right of appeal as presented in the Administrative Procedures Act, Utah Code 63-46b.

### 7.2.15 Request to Breach an Established Line of Limited Access or No Access

Lines parallel or adjacent to the State Highway right-of-way may be established to limit access or control access. These limitations are known as Limited Access and No Access lines. The purpose of the lines is to preserve the functionality, operation, safety, and capacity of the highway system. Highest priority and consideration for access category spacing standards and design apply where such lines exist.

The lines are created through the purchase of access rights where it has been determined that they would serve best at time of purchase. The purchase of the access rights may have occurred utilizing federal, State, or combination of federal and State funds. Any approved breach of the Limited Access or No Access lines requires reimbursement of these funds to the Federal Highway Administration.

**Request to Breach Limited Access Line**

A request to break or modify an access connection across a Limited Access Line will be considered a non-standard access permit request. The permit application will be processed through the appropriate Region Permits Officer. The Region Permits Officer will serve as the point of contact concerning the application. The application will be considered as a request for variance and analyzed accordingly.

Review and administration of the application will be assessed a fee based on the access permit fee schedule for traditional access applications. The appropriate access permit fee may be found in the Department schedule of fees. The appropriate permit review fee will be due upon written notice of a satisfactory Completeness Check. The Formal Application Review will not proceed until payment has been accepted. Failure to provide payment will nullify the submission.

Upon finding or notification of existence of a Limited Access Line and a request to breach or modify the line, a grant of access may be approved pending the appropriate Region, Department Headquarters, and Federal Highway Administration staff, review, and comment of:

- Finding or demonstration of no reasonable access
- Providing connection to a local street system or an identified local street system on which:
    1. The opening is identified on the local master street plan,
    2. The opening provides continuity to other local streets,
    3. The opening provides reasonable access via the local system,

4. If the opening creates or exists as a dead-end, it is for a local and not private connection.

- Identifying the access on an agreed local signal or access corridor plan.
  1. The opening provides continuity to other local streets,
  2. The opening provides reasonable access via the local system and,
  3. If the opening creates or exists as a dead-end, it is for a local and not private connection.

Spacing of an opening will meet, and conform to the access category assigned to the state highway.

Request to Breach No Access Line

A request to break or modify a No Access Line is discouraged. Rights-of-way and access rights have been purchased and held with the intent to disallow connection across such lines. No Access lines are of the highest priority and order of the State Highway system and have been established to preserve and protect the functional operation of the adjacent facility.

A request to break or modify an access connection across a No Access Line will be considered a non-standard access permit request. The permit application will be processed through the appropriate Region Permits Officer. The Region Permits Officer will serve as the point of contact concerning the application. The application will be considered as a request for variance and analyzed accordingly.

Review and administration of the application will be assessed a fee based on the access permit fee schedule for traditional access applications. The appropriate access permit fee may be found in the Department schedule of fees. The appropriate permit review fee will be due upon written notice of a satisfactory Completeness Check. The Formal Application Review will not proceed until payment has been accepted. Failure to provide payment will nullify the submission.

Upon finding or notification of existence of a No Access Line and a request to breach or modify the line, a grant of access may be approved pending the appropriate Region, Department Headquarters, and Federal Highway Administration staff, review, and comment of:

- Finding or demonstration of no reasonable access and,
- Providing the access connection to a local street system or an identified local street system on which:
    1. The opening is identified on the local master street plan
    2. The opening provides continuity to other local streets
    3. The opening provides reasonable access via the local system
    4. If the opening creates or exists as a dead-end, it is for a local and not private connection.
- Identifying the access on an agreed local signal or access corridor plan on which:
    1. The opening provides continuity to other local streets,
    2. The opening provides reasonable access via the local system and,
    3. If the opening creates or exists as a dead-end, it is for a local and not private connection.

Spacing of an opening will meet, and conform to the access category assigned to the state highway.

X No Access line breach request is allowed only for a general or local street connection as brought forth by a local municipal agency where no other reasonable access can be afforded.

The applicant or local municipal agency that requests the breach of Limited Access may be required to produce a signal plan or access corridor plan. Requests to breach a No Access line

must produce a signal plan agreement or access corridor agreement. If no such agreement exists the applicant will provide or perform an analysis that drafts and leads to the establishment of a signal plan or access corridor plan. The Department and local municipal entities will ratify the agreements. Signal plan and corridor access plans will be recognized elements of the local entity Transportation Master Plan. Where appropriate, such plans will also conform to the planning of and be ratified by the Metropolitan Planning Organization.

**Review Process**

The Department determines whether an established line of Limited Access or No access exists in relation to or adjacent to the area in which access is sought.

Any request for breach of established Limited Access or No Access line will conform to the procedures and standards of this Manual. The Department reserves the right, due to complexity of the review, to exceed or extend the normal 45-day review period.

The appropriate Region or District Permit Officer and attending Department staff will approve and handle any request for line breach. The appropriate Region Director and Department Headquarter employees including Roadway Design, Traffic and Safety, and Right of Way Divisions will make recommendations to the Deputy Director of the Department regarding approval or denial of the access opening.

The Region must submit the following to the Department Headquarters for access approval:

- Letter from the property owner requesting access.
- Letter from the Region Director requesting that the access be granted.
- Sample deed.
- Right-of-way strip map calling out the proposed access.

Local Federal Highway Administration personnel will be included in the review of the request.

The procedure to establish the reimburse fund amount to be associated with the line breach is listed in the Department Right-of-Way Manual of Instruction.

Upon recommendation of Department staff, the Department Deputy Director will approve or deny the grant of access request for breach of established line of Limited Access or No Access. Written notification of approval or denial with justification will be forwarded to the applicant.

Upon a grant of an access that has breached an established line of Limited Access or No Access, the applicant is responsible for all permit fees and reimbursement funds paid prior to acceptance of the grant of access permit. Record the grant of access on the appropriate property deed indicating a breach of access for either a Limited Access line or No Access line. The applicant is responsible for recording the grant of access permit.

The Applicant is entitled to an appeal of decision regarding denial of access request for breach of established line of Limited Access or No Access. The appeal is an informal proceeding under the Utah Administrative Procedures Act, Chapter 46 b, Title 63, Utah Code Annotated. An appeal committee will convene consisting of, but not limited to, the Department Director, Department Operations Manager, Right-of-Way Director, and appropriate Federal Highway Administration representative.

### 7.2.16 Permit Appeal Procedure

Following processing, the applicant may seek an appeal based on a denial of a permit or variance or to dispute a condition of the permit

The permittee or applicant may appeal the decision to an appeals committee if they object to the denial of a permit or variance application by the Department or object to any of the terms or conditions of a permit placed there by the Department. The appeal is an informal proceeding under the Utah Code, Title 63 Chapter 46b, Administrative Procedures Act.

To appeal a decision, the permittee or applicant will submit a notice of agency appeal to the Statewide Permit Officer within 30 days of transmittal of notice of denial or transmittal of the access permit for signature. The notice of agency appeal will include reasons for the appeal and may include changes, revisions, or conditions that will be acceptable to the permittee or applicant.

Upon receiving the notice of agency appeal, the Statewide Permit Officer will consider any objections and/or requested revisions and discuss these issues with the appellant. Based on this review, the Statewide Permit Officer may remand the issue of appeal back to the Region Permit Officer for further consideration. If agreement is reached, the Region Permit Officer may revise the permit accordingly, issue a new permit, or require the applicant to submit a new application for the Department's reconsideration. Changes in the original application, proposed design, or access use will normally require submitting a new application.

If the appeal is not remanded back to the Region Permit Officer and does not reverse the denial, the Statewide Permit Officer will notify the appropriate Region Appeal Committee members. The Statewide Permit Officer will schedule the appeal meeting based on the schedule of committee members, the convenience of the applicant, and the availability of the Department representatives.

The Statewide Permit Officer will provide notice of the meeting to all parties. The Statewide Permit Officer will notify the appellant and the Region at least ten (10) days in advance of the Committee meeting unless waived by both parties.

The Committee will normally consider each request within thirty (30) days of receipt of the appeals request by the Statewide Permit Officer.

The appellant will present their issues first at the Committee meeting. The presenters for the appellant will have authority to represent the appellant. They will have no more than 30 minutes to present. The Department Regional representative will follow with no more than 30 minutes to present. The proponent may have a five-minute response to the Department presentation. If requested, the Committee chair may extend the allotted times. Following the presentations the Committee may ask questions of any party.

Following the presentations and questions if any, the Committee, in reaching their recommendation, will consider all information received, the requirements of this Rule, the

Statement of Purpose and Intent contained in this Rule, and any relevant Department policies and engineering practices. If the Committee finds there is insufficient information, they may call a continuance to a later date and postpone its recommendation to the Region Director and Statewide Permit Officer. The Committee will make an initial recommendation that will include the Committee's opinion regarding the facts and findings. The Committee will arrive at an initial recommendation prior to beginning a hearing on a new case.

Within ten days, the Statewide Permit Officer will prepare the Committee's recommendation in writing and forward the written recommendation to the appellant, Region Director, and Region Permit Officer.

Following receipt of the first appeal denial, a second appeal of reconstruction may be requested to the Region Director. Formal written notice of the second appeal by the appellant is required. The Region Director will normally consider each request within thirty calendar days of receipt of the second appeal request by the Statewide Permit Officer. The Statewide Permit Officer will notify the appellant and the Region Director at least 10 days in advance of the second appeal of reconstruction meeting unless waived by both parties. The Region Director may then issue or deny the permit based on the results of the first appeal within ten working days. An appeal cannot arrive at the Region Director unless it has been first heard and processed by the Region Appeals Committee. This will be considered the Department's final internal decision regarding the access application. The Statewide Permit Officer will keep a separate record of all recommendations and decisions.

The Department's final internal decision will include language informing the permittee or applicant that judicial review is available via Utah Code, Title 63 Chapter 46b, Administrative Procedures Act, and that a petition for review must be filed with the district court within thirty days.

In conjunction with the Department staff, interested local governments, and private sector individuals, the Department may conduct quality assurance reviews of the access Manual process, services, and resources as the Department may deem appropriate or as requested by the Deputy Director or Region Director.

Regional Access Appeal Committee

The purpose of the Committee is to help ensure the uniform administration of this Rule and to seek resolution of disagreements. Regional Appeals Committee will be an appointment of at least three members for the review of Department access decisions and administration. Committee membership will be comprised of appropriate Department employees from the appropriate Region. Eligible employees will include, Deputy Director, Operations Engineer, Maintenance Engineer, Traffic Engineer, Construction Engineer, Preconstruction Engineer, and Right of Way or Encroachment Officer. Appropriate employees from the Department Headquarters may also fill the committee as needed.

Additional Department employees will be appointed as alternates to serve in the absence of a member or when, in the opinion of the chairperson, a member may be faced with a conflict

of interest. A member may choose to rescue his or herself from any case review without providing justification. Both alternates will be Department employees.

The Statewide Permit Officer may assign a Department employee as a non-voting Committee secretary, who may assist the Committee in accomplishing the Committee's administrative duties including letters, scheduling, preparation of written materials, distribution, record keeping, and related duties and prepare any materials requested.

## 7.3 Access Categories and Standards

### 7.3.1 Purpose and Use

This section provides a system of nine highway categories to which all sections of State Highways have been assigned. Each category describes the function of the highways including the category and the operational standards that are applied to maintain the highway's function in terms of mobility, capacity, traffic flow, and safety. The number, spacing, type, and location of access and traffic signals have a direct and often significant effect on the capacity, speed, and safety of the highway and are limited in a hierarchical method by this category system. The location, operation, and design standards within each category are necessary to ensure that the highway will continue to function at the category assigned.

### 7.3.2 General Provisions

Parcel Division

No additional access rights accrue upon the splitting or dividing of existing parcels of land or contiguous parcels under or previously under the same ownership or controlling interest. Internally provide all access to newly created properties from any existing access or a new access determined by Manual design standards or by permit application and consistent with this subsection.

Posted Speed

A proposal for access may not presume a lower posted speed or request a lower posted speed to accommodate the access request.

Reasonable Access

Allow the minimum number of access locations so that all the establishments may be served.

If the proposed access will not meet design and spacing standards, the access may be denied if absent the proposed access the property has reasonable alternate (indirect) access available to the general street system.

Where a subject property abuts or has primary access to a lesser function road or an internal street system or by way of dedicated rights-of-way or easements, any access to the State Highway will be considered as an additional access.

A determination of reasonable access from a local street or road should include consideration of the local street or road function, purpose, capacity, operational and safety conditions and opportunities to improve the local street or road. Direct access to the highway may be approved if the alternative local access will create a significant operational or safety problem at the alternative location and the direct access to the State Highway will not be a significant problem to the highway. Reasonable local access should be determined in consultation with the appropriate local authority.

Shared access of two or more parcels should be considered where a proposed or the redesign of an existing access does not meet spacing standards and criteria for the appropriate access category.

Where proposed or redesigned connections are to be considered and are offset and not separated by a non-traversable median, every effort should be made to align opposing access points and streets.

When application is made, access to a State Highway for Category 4 through 9, may be granted if reasonable access cannot be obtained from the local street or road system.

Where topography or other existing conditions make spacing intervals of the appropriate Access Category inappropriate or not feasible, determine the location of the access and give consideration to topography, established property ownerships, unique physical limitations, unavoidable or pre-existing historical land use patterns, and physical design constraints with a reasonable attempt to achieve the appropriate Access category spacing. A variance will be required pursuant to Section 7.2.14 Variance Procedures. The final location will serve as many properties and interests as possible to reduce the need for additional direct access to the State Highway. In selecting locations, preference will be given to public ways that meet or may be reasonably expected to meet signal warrants in the foreseeable future.

When application is made and where property abuts the state highway system and a No Access line (NA) or a Limited Access Line (LA) exist, reasonable access is afforded the access request through the use of other existing or planned facilities in consultation with the appropriate local authorities and their Transportation Master Plan.

Traffic Signals

Traffic signals and their installation are regulated by the Federal Manual on Uniform Traffic Control Devices, (MUTCD). The Department also utilizes guidelines and standard drawings relating to signal design and installation. Nothing in this Manual is intended or interpreted as requiring the Department to authorize a traffic signal or left turn movement at any location.

No traffic signal will be authorized without the completion of an acceptable analysis of traffic signal system operation, design, construction feasibility, and safety as well as meeting MUTCD signal warrants and all requirements of the Department.

When a traffic signal or operations study is required, the study includes the information, data, and analysis requirements to the extent requested by the Department and sealed by a licensed Professional Engineer in the State of Utah. The Department may, at its discretion in consideration of granting an access permit, require design, and operational modifications as it considers necessary, restrict one or more turning movements, or deny the access so long as such discretion does not violate law.

When an existing or proposed access meets the warrants for a traffic signal as defined in the MUTCD, and Department requirements, and the location does not meet the requirements of the appropriate access category subsection, reconstruct the access to eliminate or reduce the traffic movements that cause the traffic signal warrant to be met, and the access brought into conformance with appropriate design criteria. A raised median and /or movement channelization may be required. Closure or restriction of movements may be required if alternative reasonable access is available.

Preference to signal location, timing and operation will be given to highways and cross streets of a higher access category or function. Signal location, timing, and operation are not intended to serve or benefit single use or private access connections.

### 7.3.3 Roadway Categories

Table 7.3-1 provides an overview of the Utah State Highway Access Management Categories:

**Table 7.3-1**
**State Highway Access Management Categories**

| Category Assignment | | Level-of-Importance |
|---|---|---|
| 1 | I | Freeway/Interstate |
| 2 | S-R | System Priority Rural |
| 3 | S-U | System Priority Urban |
| 4 | R-R | Regional Rural |
| 5 | R-PU | Regional Priority Urban |
| 6 | R-U | Regional Urban |
| 7 | C-R | Community Rural |
| 8 | C-U | Community Urban |
| 9 | O | Other |

Category 1 (I) - Freeway/Interstate System Facilities

Function

This category is appropriate for use on highways that have the capacity for high speed and relatively high traffic volumes over medium and long distances in an efficient and safe manner. These facilities serve major interstate, intrastate, and inter-regional travel demand for through traffic. In urbanized and metropolitan areas, they may also serve high volumes of intra-city travel at high speeds. All interstate and freeway facilities are included in this category.

Criteria for Granting Access

Direct private access to Category 1 highways is not permitted.

All private direct access to Category 1 main roadways, access ramps, and structures is strictly prohibited unless specifically authorized for official temporary highway construction purposes under Department contract and must receive approval from the Federal Highway Administration when the Interstate system is involved.

Any new access or modification of existing access to the Interstate system will meet freeway/interstate design practices and must be approved by the Federal Highway Administration.

Separate all opposing traffic movements by physical constraints such as grade separations and non-traversable median separators. Public access to a Category 1 highway is provided by means of interchanges properly spaced, located, and designed in accordance with prevailing Department regulations and/or federal regulations applicable to federal-aid highways.

A new interchange or a significant modification to an interchange on a Category 1 highway requires the preparation of an Interchange Justification/Modification Report that must receive approval by the Federal Highway Administration when the Interstate Highway System is involved.

Category 2 (S-R) - System Priority-Rural Importance

Function

This category is appropriate for use on highways that have the capacity for high speed (generally equal to or greater than 60 mph) and relatively high traffic volumes in an efficient and safe manner. These facilities provide for interstate, inter-regional, intra-regional, and intercity travel needs in rural areas. Direct access service to abutting land is subordinate to providing service to through traffic movements.

Criteria for Granting Access

Public access is provided by means of interchanges or public street intersections. Signalized intersections are based on minimum one mile spacing. The number and location of access points are based on Category 2 State Highway access standards (this subsection and 7.4).

Category 2 highways are designed and intended to achieve a minimum posted speed of 55 mph in areas without signals and 45 mph in areas with signals.

- Determine and include the following criteria in the permit when direct private access is granted:
- Close the access when other reasonable access to a lower functional street, road, or highway is reasonably available.
- Specify in the access permit under what specific circumstances the closure may be required.
- List the future access location and the date the closure will occur.

Direct private access granted under this category, is for right turns only.

The Department may allow modifications to an existing point of access retained in the deeded rights of property abutting a Category 2 highway including relocation of the point of access within the limits of the property, if such modification or change will benefit the operation and safety of the highway, bring the access level of the highway into greater conformance with the Access Management Category, or be in the interest of public health, safety, and welfare.

Signals at intersections with major cross streets or roads of equal importance may be programmed to optimize traffic on both streets equally. Cross-streets of lesser importance need not be optimized equally. Program traffic signals on the highway to allow a desirable highway bandwidth of at least 50 percent. The efficiency of the signal system should be analyzed utilizing traffic volume, capacity, and level of service calculations. Determine the optimum progression speed under both existing and proposed conditions.

Median Conditions

Do not permit left turn movements if a median is already established and the proposed opening of the median does not provide, in the determination of the Department, any significant operational or safety benefits to the general public or will be counter to the purpose of the median construction and the continued function of the highway at the category assigned to it.

Left turn movement is permitted if:

(1) The access does not have potential for signalization,
(2) Travel is circuitous in one direction that exceeds two miles,
(3) A left turn movement can be designed to the Department's satisfaction that meets all safety, design, and operational standards.
    - A median opening will not be allowed if a safety or hazard situation is likely or identified.
    - A median opening will not be allowed if the location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.

Auxiliary turn lanes

Install according to the criteria in Section 7.3.7 Auxiliary Turn Lanes.

Category 3 (S-U) - System Priority-Urban Importance

Function

This category is appropriate for use on highways that have the capacity for high speed (generally equal to or greater than 50 mph) and relatively high traffic volumes in an efficient and safe manner. These facilities provide for interstate, inter-regional, intra-regional, and intercity travel needs in urban areas. Direct access service to abutting land is subordinate to providing service to through traffic movements.

Criteria for Granting Access

Public access is provided by means of interchanges or public street intersections. Base signalized intersections on minimum half-mile spacing. The number and location of access points is based on Category 3State Highway access standards (this subsection and 7.4).

Category 3 highways are designed and intended to achieve a minimum posted speed equal or greater than 50 mph in areas without signals and 40 mph in areas with signals.

Determine and include the following criteria in the permit when direct private access is granted:

- Close the access when other reasonable access to a lower functional street, road or highway is reasonably available.
- Specify in the access permit under what circumstances the closure may be required
- List the future access location and the date the closure is expected, if known.

Direct private access permitted pursuant to this section will be for right turns only.

The Department may allow modifications to an existing point of access retained in the deeded rights of property abutting a Category 3 highway including relocation of the point of access within the limits of the property if such modification or change would benefit the operation and safety of the highway, bring the access level of the highway into greater conformance with the Access Management Category, or be in the interest of public health, safety, and welfare.

Signals at intersections with major cross streets or roads of equal importance may be programmed to optimize traffic on both streets equally. Cross-streets of lesser importance need not be optimized equally. Traffic signals on the highway will be programmed to allow a desirable highway bandwidth of at least 50 percent. The efficiency of the signal system will be

analyzed utilizing traffic volume, capacity, and level of service calculations. The analysis will determine the optimum progression speed under both existing and proposed conditions.

Median Conditions

Left turn movement may be permitted if:

(1) Access does not have potential for signalization
(2) Travel is circuitous in one direction that exceeds two miles
(3) Left turn movement can be designed to the Department's satisfaction that meets all safety, design, and operational standards.

Do not permit left turn movements if a median is already established and the proposed opening of the median does not provide, in the determination of the Department, any significant operational or safety benefits to the general public or will be counter to the purpose of the median construction and the continued function of the highway at the category assigned to it.

- A median opening will not be allowed if a safety or hazard situation is likely or identified.
- A median opening will not be allowed if the location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.

Auxiliary turn lanes

Install Auxiliary Turn Lanes according to the criteria in Section .7.3.7

Category 4 (R-R) - Regional-Rural Importance

Function

This category is appropriate for use on highways that have been designed for moderate to high speeds (generally greater than 50 mph) and relatively high traffic volumes in an efficient and safe manner. These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of Interstate or system importance in rural areas.

Criteria for Granting Access

When application is made, access to a State Highway may be granted if reasonable access cannot be obtained from the local street or road system. The number and location of access points is based on Category 4 State Highway access standards (this subsection and 7.4). Reasonable local access will be determined in consultation with the appropriate local authority. A determination of reasonable access from a local street or road should include consideration of the local street or road function, purpose, capacity, operational and safety conditions and opportunities to improve the local street or road. Direct access to the highway may be approved if the alternative local access would create a significant operational or safety problem at the

alternative location and the direct access to the State Highway would not be a significant problem to the highway.

The standard for the spacing of all intersecting public ways and other accesses that are or may become signalized, is one-half mile.

Where it is not feasible to meet one-half mile spacing and where signal progression analysis indicates good progression (40 percent efficiency or better), or does not degrade the existing signal progression, a full movement intersection may be allowed. A variance and subsequent traffic study will be required pursuant to Section 7.2.13 Traffic Impact Studies, and Section 7.2.12 Variance Procedures. Spacing to nearby intersections is sufficient to accommodate the future vehicle storage queues for both turning and through movements. The access location also meets other Manual access spacing, design, and need requirements.

Median Conditions

Left turns at unsignalized intersections should be restricted if a restrictive median exists unless the restriction of these movements will cause a safety or operations problem or cause an out-of-direction movement of greater than one mile.

- A median opening will not be allowed if a safety or hazard situation is likely or identified.
- A median opening will not be allowed if the location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.
- Left turns may be permitted if a flush or traversable median exists, unless an operational or safety problem is identified.

Auxiliary turn lanes

Install according to the criteria in Section 7.3.7, Auxiliary Turn Lanes.

Category 5 (R-PU) – Regional -Priority Urban Importance

Function

This category is appropriate for use on highways that have the capacity for moderate speed (generally 45 mph or higher) and moderate to high traffic volumes. There is a reasonable balance between safety, direct access, and mobility needs within this category. These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of Interstate or system importance and through urban areas that have significant potential for development or redevelopment of adjacent land to the highest and best use.

Criteria for Granting Access

When application is made, access to a State Highway may be granted if reasonable access cannot be obtained from the local street or road system. Base the number and location of access

points on Category 5 State Highway access standards (this subsection and 7.4). Determine reasonable local access in consultation with the appropriate local authority. Determination of reasonable access from a local street or road includes consideration of the local street or road function, purpose, capacity, operational and safety conditions, and opportunities to improve the local street or road. Direct access to the highway should not be denied if the alternative local access will create a significant operational or safety problem at the alternative location and the direct access to the State Highway will not be a significant problem to the highway.

Additional access may be granted if the size or trip generation potential of the parcel requires additional access to maintain good roadway traffic operations and land use design, unless the access would create a safety or operational problem, or the access does not meet acceptable design standards including spacing. Any additional access will not interfere with the location, planning, and operation of the general street system and access to nearby properties.

The minimum spacing of all intersecting public ways and other significant accesses that will be full movement is one-half mile.

Where it is not feasible to meet one-half mile spacing and where signal progression analysis indicates good progression (40 percent efficiency or better), or does not degrade the existing signal progression, a full movement intersection may be allowed. A variance and subsequent traffic study will be required pursuant to Section 7.2.13 Traffic Impact Studies and Section 7.212 Variance Procedures. Spacing to nearby intersections will be sufficient to accommodate the future left turn and through vehicle storage queues for both turning movements. The access location will also meet other Manual access spacing, design, and need requirements.

Median Conditions

Left turns at unsignalized intersections will be restricted if a restrictive median exists, unless the restriction of these movements will cause a safety or operations problem or cause an out-of-direction movement of greater than one mile.

A median opening will not be allowed if a safety or hazard situation is likely or identified.
A median opening will not be allowed if the location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.
If a flush or traversable median exists, left turns may be permitted unless an operational or safety problem is identified.

Auxiliary turn lanes

Install according to the criteria in 7.3.7, Auxiliary Turn Lanes.

Category 6 (R-U) – Regional -Urban Importance Function

This category is appropriate for use on highways that have the capacity for moderate to low speeds (generally to a speed range of 40 mph or less) and moderate to high traffic volumes.

While this category provides service to through traffic movements, it allows more direct access to occur. These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of Interstate or system importance but through urban areas that are significantly developed to the point where function (travel speed and capacity) has eroded.

Criteria for Granting Access

When application is made, access to a State Highway may be granted if reasonable access cannot be obtained from the local street or road system. The number and location of access points is based on Category 6 State Highway access standards (this subsection and 7.4). Reasonable local access will be determined in consultation with the appropriate local authority. A determination of reasonable access from a local street or road should include consideration of the local street or road function, purpose, capacity, operational, and safety conditions, and opportunities to improve the local street or road. Direct access to the highway will be approved if the alternative local access will create a significant operational or safety problem at the alternative location and the direct access to the State Highway will not be a significant problem to the highway.

Additional access may be granted if the size or trip generation potential of the parcel requires additional access to maintain good roadway traffic operations and land use design, unless the Department establishes that the access will create a significant safety or operational problem or the access does not meet acceptable design standards including spacing. Any additional access will not interfere with the location, planning, and operation of the general street system and access to nearby properties.

Additional right turn only access may be allowed where required acceleration and deceleration lanes can be provided, will relieve an identified congestion condition on the local street or road system, will not be detrimental to the safety and operation of the highway, and will be in compliance with 7.4 design standards.

The minimum spacing of all intersecting public ways and other significant accesses that will be full movement intersections is one- quarter mile. Where it is not feasible to meet one-quarter mile spacing and where signal progression analysis indicates good progression (40 percent efficiency or better) or does not degrade the existing signal progression, a full movement intersection may be allowed. A variance and subsequent traffic study will be required pursuant to Section 7.2.13 Traffic Impact Studies and Section 7.2.12 Variance Procedures. Spacing to nearby intersections will be sufficient to accommodate the future year left turn and through vehicle storage queues for both turning movements. The access location will also meet other Manual access spacing, design, and need requirements.

Median Conditions

If a restrictive median exists, left turns at unsignalized intersections will be restricted unless the restriction of these movements will cause a safety or operations problem or cause an out-of-direction movement of greater than one-half mile.

- A median opening will not be allowed if a safety or hazard situation is likely or identified.
- A median opening will not be allowed if the location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.
- If a flush or traversable median exists, left turns may be permitted unless an operational or safety problem is identified.

Auxiliary turn lanes

Install according to the criteria in Section 7.3.7, Auxiliary Turn Lanes.

Category 7 (C-R) - Community-Rural Importance

Function

This category is appropriate for use on highways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic but with emphasis on local movements such as those common on small city Main streets.

Criteria for Granting Access

When application is made, access to a State Highway may be granted to the original parcel if it does not create a significant safety problem or significantly degrade operation. The number and location of access points is based on Category 7 State Highway access standards (this subsection and 7.4). The access may operate as a full-movement, un-signalized access unless there is an established non-traversable median or a safety or traffic operation problem is identified.

Additional access may be granted if the additional access does not knowingly cause an adverse impact to an adjacent property or interfere with the location, planning, and operation of the general street system and will be in compliance with Manual design standards and the applicant establishes that an additional access is necessary for the safe and efficient use of the property.

Minimum spacing between traffic signals is one-quarter mile or that which is necessary for the safe operation, capacity, and proper design of the signal and adjacent accesses. The location will be consistent with current signal progression efficiency and cause no degradation to existing operations. Preference in traffic signal location, timing, and operation will be given to highways and cross streets of a higher access category or function.

Median Conditions

If a restrictive median exists, left turns at unsignalized intersections will be restricted unless the restriction of these movements will cause a safety or operations problem or cause an out-of-direction movement of greater than one-half mile.

- A median opening will not be allowed if a safety or hazard situation is likely or identified.
- A median opening will not be allowed if the location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.
- If a flush or traversable median exists, left turns may be permitted unless an operational or safety problem is identified.

Auxiliary turn lanes

Install according to the criteria in Section 7.3.7, Auxiliary Turn Lanes.

Category 8 (C-U) - Community-Urban Importance

Function

This category is appropriate for use on highways that have the capacity for moderate to low speeds and moderate volumes. This category provides a balance between through traffic movements and direct access. These facilities move traffic through a single community or to an adjacent community but not generally used for long distance (greater than 5 mile) travel.

Criteria for Granting Access

When application is made, access to a State Highway may be granted to the original parcel if it does not create a significant safety problem or significantly degrade operation. The number and location of access points are based on Category 8 State Highway access standards (this subsection and 7.4). The access may operate as a full-movement, un-signalized access unless there is an established restrictive median or a safety or operations problem is identified. The location will also be consistent with current signal progression efficiency and cause no degradation to existing operations.

Additional access may be granted if the additional access will not knowingly cause an adverse impact to an adjacent property or interfere with the location, planning, and operation of the general street system and will be in compliance with Manual design standards. Additional access will be granted if the size or trip generation potential of the parcel of land requires additional access to maintain good design.

Minimum spacing between traffic signals will be one-quarter mile or that which is necessary for the safe operation, capacity, and proper design of the signal and adjacent accesses.

The location will be consistent with current signal progression efficiency and cause no degradation to existing operations. Preference in traffic signal location, timing, and operation will be given to highways and cross streets of a higher access category or function.

Median Conditions

If a restrictive median exists, left turns at unsignalized intersections will be restricted unless the restriction of these movements will cause a safety or operations problem or cause an out-of-direction movement of greater than one-half mile.

- A median opening will not be allowed if a safety or hazard situation is likely or identified.
- A median opening will not be allowed if the location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.
- If a flush or traversable median exists, left turns may be permitted unless an operational or safety problem is identified.

Auxiliary turn lanes

Install according to the criteria in Section 7.3.7, Auxiliary Turn Lanes.

Category 9 (O) - Other Importance

Function

This category is appropriate for use on frontage roads, back roads, service roads, critical connections of short distance, and other special use facilities.

Criteria for Granting Access

When application is made, access to a State Highway may be granted to the original parcel if it does not create a significant safety problem or significantly degrade operation. Base the number and location of access points on Category 9 State Highway access standards (this subsection and 7.4). The access may operate as a full-movement, un-signalized access unless there is an established restrictive median or a safety or operations problem is identified. The location will also be consistent with current signal progression efficiency and cause no degradation to existing operations.

Additional access may be granted if the additional access will not knowingly cause an adverse impact to an adjacent property or interfere with the location, planning, and operation of the general street system and will be in compliance with Manual design standards. Additional access will be granted if the size or trip generation potential of the parcel of land requires additional access to maintain good design.

Minimum spacing between traffic signals will be one-quarter mile or that which is necessary for the safe operation, capacity, and proper design of the signal and adjacent accesses.

The location will be consistent with current signal progression efficiency and cause no degradation to existing operations. Preference in traffic signal location, timing, and operation will be given to highways and cross streets of a higher access category or function.

Auxiliary turn lanes

Install according to the criteria in Section 7.3.7, Auxiliary Turn Lanes.

### 7.3.4 Emergency Access

Emergency access may be permitted on State Highway access categories 2 through 9 where required by local safety regulations. Such direct emergency access may be permitted only if it is not feasible to provide the emergency access to a secondary roadway. A written explanation with references to local standards from an appropriate government safety official will be included with the application. The Emergency Access will not be granted with the purpose of accommodating general vehicular ingress or egress. The access will typically be gated and locked. Design of the access will accommodate emergency vehicles necessary to serve the site.

### 7.3.5 Farm Land Access

Farmland access may be granted to categories 2 through 9 where, in the determination of the Department, the farmland has no other reasonable access. Additional farmland access to property under the same ownership or controlling interest may be granted if the necessity for such additional access due to topography or ongoing agricultural activities is demonstrated. Farmland access will be kept to the minimum necessary to provide access service. Farmland access will meet minimum access design and safety standards of this Rule. A change in use of the parcel of land serviced by the farm access may require that the access be closed. The spacing criteria between accesses contained in this Rule may be waived for farm access. All such farmland accesses will meet the sight distance criteria of this Rule.

Access requests, for farmland access, will be noted as agricultural on the grant of access permit.

### 7.3.6 Access Near At-Grade Railroad Crossings

Access near an at-grade railroad crossing will not be located closer than 250 feet from the crossing. Circumstances may exist where greater spacing is required consistent with the appropriate access category spacing. See State of Utah, Rule 930-5 for more information.

### 7.3.7 Auxiliary Turn Lanes

Auxiliary lanes are required as described within each category in Section 7.3. In addition, auxiliary lanes may also be required where any of the following sections require.

- The Department may require an auxiliary lane when it is specifically identified and documented that the lane is necessary to prevent or correct an operational or

safety condition that will be associated with traffic imposed by the creation of a new access or an existing access.

- For specifically identified and documented safety and operation reasons, a left turn acceleration or deceleration lane may be required when unique location factors such as:
  - volume of commercial trucks
  - influence of nearby access
  - highway speed and traffic density access volume
  - existing highway auxiliary lanes close to the access
  - nearby traffic control devices
  - available stopping sight distance
  - topographic and highway design factors exist that determine the need
- For those access locations that have a high percentage of trucks using the access, it may be required that each auxiliary lane be built to full length and width according to Section 7.4.8 and extend the transition taper length beyond the full length.

Additional requirements for Access Categories 2 and 3

A left turn lane with deceleration, storage, and taper lengths is required for any access with a projected peak hour left turn ingress turning volume greater than 5 vph.

A right turn lane with deceleration and taper lengths is required for any access with a projected peak hour right turn ingress turning volume greater than 10 vph.

A right turn lane with acceleration and taper lengths is required for any access with a projected peak hour right turning volume greater than 10 vph.

A left turn acceleration lane may be required if such a design will be a benefit to the safety and operation of the roadway.

Left turn acceleration lanes are generally not required where the posted speed is less than 50 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

Additional requirements for Access Category 3

Left turn acceleration lanes are generally not required where the posted speed is less than 45 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

Additional requirements for Access Categories 4 and 5

A left turn deceleration lane with taper and storage length is required for any access with a projected peak hour left ingress turning volume greater than 10 vph. Include the taper length in the required deceleration length.

A right turn deceleration lane and taper length is required for any access with a projected peak hour right ingress turning volume greater than 25 vph. Include the taper length in the required deceleration length.

A right turn acceleration lane and taper length is required for any access with a projected peak hour right turning volume greater than 50 vph when the posted speed on the highway is greater than 40 mph. Include the taper length in the required acceleration length. A right turn acceleration lane may also be required at a signalized intersection if a free-right turn is needed to maintain an appropriate level of service in the intersection.

Right turn deceleration and acceleration lanes are generally not required on roadways with three or more travel lanes in the direction of the right turn.

A left turn acceleration lane may be required if it will be a benefit to the safety and operation of the roadway.

A left turn acceleration lane is generally not required where the posted speed is less than 45 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

Additional requirements for Access Categories 6, 7, 8, and 9

A left turn lane with storage length plus taper is required for any access with a projected peak hour left ingress turning volume greater than 25 vph. If the posted speed is greater than 40 mph, a deceleration lane and taper is required for any access with a projected peak hour left ingress turning volume greater than 10 vph. Include the taper length in the deceleration length.

A right turn lane with storage length plus taper is required for any access with a projected peak hour right ingress turning volume greater than 50 vph. If the posted speed is greater than 40 mph, a right turn deceleration lane and taper is required for any access with a projected peak hour right ingress turning volume greater than 25 vph. Include the taper length in the deceleration length.

## 7.4 Design Standards and Specifications

### 7.4.1 Purpose

The Department has developed the following design standards and specifications in conjunction with the Access Categories to protect the functional integrity of State Highways, maintain and preserve traffic mobility, provide efficient and necessary access, while protecting the public health, safety, and welfare.

### 7.4.2 Use of this Section

If the Department determines that an application for access meets the requirements of Section 7.3, use Section 7.4 to precisely locate and design the access within the criteria set forth in Section 7.3. When a local government has established by ordinance or resolution more stringent design standards than required in this section, the local standards may govern where applied by the local government and as determined acceptable to the Department. All construction materials, techniques, and processes will conformance with the specifications on the permit and not be inconsistent with Department standard specifications for road construction.

If an access application meets criteria established in Section 7.3 and is unable to comply with Section 7.4 criteria, the access permit will be denied unless a variance is granted pursuant to Section 7.3.1.

This section relies on general design techniques. The use of more exact geometric engineering standards and methods is permissible provided the design meets Manual purposes, does not violate Manual standards, is based on desirable nationally accepted standards, and is determined acceptable to the Department.

Speed, as used in this section, refers to the posted legal speed limit at the access location at the time of permit approval. Use a higher speed for access design if the section of highway is presently being redesigned or reconstructed to a higher speed or an approved access control plan requires a higher speed.

A proposal for access may not presume a lower posted speed limit than currently posted or request a lower speed limit in order to accommodate the access unless specifically directed in writing by the Department.

Where a traffic signal will be installed as part of the access construction, the access design and the anticipated posted speed limit after signal installation may be used for the overall access design at the discretion of the Department.

Use the most recent editions of the reference works, but not limited to, cited in the reference section of this Rule for the design standards applied in Section 7.4.

### 7.4.3 State Highway Access Management Standards

Table 7.4-1 summarizes State Highway Access Management Standards regarding minimum desired signal spacing, street, access spacing, and interchange crossroad access spacing.

| Table 7.4-1: State Highway Access Management Standards | | | | | | | |
|---|---|---|---|---|---|---|---|
| Category | | Minimum Signal Spacing (feet) | Minimum Street Spacing (feet) | Minimum Access Spacing (feet) | Minimum Interchange to Crossroad Access Spacing (feet) | | |
| | | | | | to 1st R-in R-out A | to 1st Intersection B | from last R-in R-out C |
| 1 | I | Interstate/Freeway Standards Apply | | | | | |
| 2 | S-R | 5,280 | 1,000 | 1,000 | 1,320 | 1,320 | 1,320 |
| 3 | S-U | 2,640 | No Unsignalized Access Permitted | | 1,320 | 1,320 | 1,320 |
| 4 | R-R | 2,640 | 660 | 500 | 660 | 1,320 | 500 |
| 5 | R-PU | 2,640 | 660 | 350 | 660 | 1,320 | 500 |
| 6 | R-U | 1,320 | 350 | 200 | 500 | 1,320 | 500 |
| 7 | C-R | 1,320 | 300 | 150 | Not Applicable | | |
| 8 | C-U | 1,320 | 300 | 150 | | | |
| 9 | O | 1,320 | 300 | 150 | | | |

Minimum interchange crossroad access spacing standards A, B, and C are defined as follows:

1. Standard "A" refers to the distance from the interchange off-ramp gore area
2. (point of widening) to the first right-in/out driveway intersection.
3. Standard "B" refers to the distance from the interchange off-ramp gore area
4. (point of widening) to the first major intersection.
5. Standard "C" refers to the distance from the last right-in/out driveway intersection to the interchange on-ramp gore area (point of widening).

*Note: A grant of access does not guarantee a right or interest of full movement access.

Signal Spacing

Minimum signal spacing addresses the uniformity and frequency of signalized intersections along a highway and is thought to be one of the most important access management techniques. Signal spacing generally governs the performance of urban and suburban highways. Traffic signals that are closely or irregularly spaced bring about increases in the number of accidents, stops, delay, fuel consumption, and vehicular emissions. Long and uniform signal spacing allows for more efficient progression throughout the corridor and provides for the implementation of a more efficient traffic control system to accommodate variations in peak and off-peak period traffic flows.

- Signal spacing is measured from the centerline of the existing or future signalized intersection cross street to the centerline of the next existing or future signalized intersection cross street.

Street and Access Spacing

Access points, driveways, and public streets introduce conflicts and friction into the traffic stream. Vehicles entering and leaving the main roadway often slow the through traffic

and the difference in speeds between the through and turning traffic increases accident potential. By increasing the spacing between access points traffic flow and safety is enhanced by reducing the number of conflicts per mile by providing greater distance to anticipate and recover from turning maneuver and by providing opportunities for the use of auxiliary turn lanes.

- Access spacing is measured as the distance from the inside point of curvature of the radius of an intersection or driveway to the inside point of curvature of the next intersection or driveway radius. In the case of a flared curb driveway, the distance is measured to the inside driveway edge.
- Street spacing is measured as the distance from leaving point of tangent to receiving point of tangent.

Corner Clearance

The minimum access spacing standards apply to issues specifically related to corner clearance. Corner clearance represents minimum distance required between an intersection and the nearest driveway.

Interchange Crossroad Access Spacing

Freeway and expressway interchanges allow traffic to transition from freeways to arterial or lower functioning roadways. Interchanges also serve as important focal points of roadside development in urban, suburban, and rural areas. Intersections that are too close to the arterial/freeway interchange ramp termini result in heavy weaving volumes, complex signal operations, frequent accidents, and recurring congestion. Access should be sufficiently spaced to allow the smooth transition between freeway/interstate and intersecting lower functioning roadways.

Elements considered in computing minimum interchange crossroad access spacing distances include:

- The distance required to weave across the through travel lanes.
- The distance required for transition into left-turn lane(s).
- The distance needed to store left turns with a low likelihood of failure.
- The distance from the stop line to the centerline of the intersecting road or drive.

The Department may require an applicant to conduct a weaving or speed change lane analysis given unique area conditions. Use the greater distance when the analysis shows that a greater spacing is necessary to provide safe and efficient weaving maneuvers.

### 7.4.4 Sight Distance

Locate driveways to provide adequate sight distance along the highway. Allow encroachment on sight distance only when approved by the Region Director or their designee prior to construction. Design, place, and maintain any potentially obstructing objects such as but not limited to advertising signs, structures, trees, and bushes, at a height not to interfere with the sight distance needed by any vehicle using the access. For sight distances use current AASHTO

guidelines and Department Standard Drawings. Additional sight distance may be required for multilane highways.

Modifications to the existing highway may be required for access points with less than the required minimum sight distance. Modifications may include, but are not limited to, changes to horizontal or vertical alignments, addition of acceleration and/or deceleration lanes, roadway relocation, use or creation of other general street system facilities, or other modifications as required by the Region Traffic Engineer.

### 7.4.5 Access Width

Design access width to properly accommodate the anticipated traffic volumes, lane geometries, and vehicle characteristics and within the limits specified for the particular conditions and land use type(s).

Access width is the actual traveled portion of the access as it extends away from the roadway. Measure an access width for any type access without curbs exclusive of the radii or flares. Measure an access with a curb return entrance and driveways with curb cuts, exclusive of the flared sections, transitions, curb, and gutter. The width of any non-traversable median is not counted as part of the access width. In measuring access width, only the travel portion of the access is measured.

Recommended guidance for access widths are shown in Table 7.4-2. Actual access width and lane geometry are determined by traffic volume and traffic characteristics.

**Table 7.4-2: State Highway Access Width Guidance**

| Land Use | Direction Use | Minimum Access Width (feet) | Maximum Access Width (feet) |
|---|---|---|---|
| Commercial or Industrial | two-way | 25 | 50 |
| | one-way | 16 | 30 |
| Residential | two-way or one-way | 12 | 20 |
| Farm Land | two-way or one-way | 16 | 32 |

If two one-way approaches (one-way in, one-way out) are adjacent to each other, divide them by a non-traversable median of at least four feet but no more than 25 feet wide and treated as one access. Signs for the access median must be clear and visible.

Subject to Department approval, use the long-term traffic projections and consideration of the modal use of the public way when a public street, road, highway or any access intended to become a public way intersects with a State Highway.

### 7.4.6 Edge Clearance

Edge Clearance is the distance from the adjacent property line to beginning curb radii of the access and is in minimum conformance with Table 7.4-3. If greater clearance spacing can be achieved and the spacing conforms to the standards of this manual, it is encouraged. Local standards may be utilized where a higher standard exists. Shared access locations should also be considered to reduce multiplicity of access points.

**Table 7.4-3: State Highway Edge Clearance**

| Land Use | Minimum Edge Clearance (feet) | |
|---|---|---|
| | Urban Areas | Rural Areas |
| Commercial or Industrial | 10 | 15 |
| Residential or Farm | 15 | 20 |

### 7.4.7 Access Radii

The equivalent turning radii of the access accommodates the turning radius of the largest vehicle using the access on a daily basis and is, at a minimum, be in conformance with Table 7.4-4 and UDOT Standard Drawing, GW-4.

**Table 7.4-4: State Highway Access Radii**

| Land Use | Access Radii (feet)* | | | |
|---|---|---|---|---|
| | Urban Areas | | Rural Areas | |
| | Minimum | Maximum | Minimum | Maximum |
| Commercial or Industrial | 30 | 60 | 30 | 60 |
| Residential or Farm | 10 | 15 | 20 | 30 |

* Examine vehicle profile utilizing the subject access and design appropriate radii.

Where curbs are present, a curb cut style driveway will normally be required and designed in accordance with the Department Standard Drawings. Radius curb returns may be used when determined to be necessary and are not inconsistent with existing or planned conditions. The Department determines if a curb cut or radius curb returns are required in accordance with existing or planned conditions.

When a public street, road, highway, or any access intended to become a public way intersects with a State Highway, the design criteria of the local government and the Department

may be used to select appropriate radii, corner and intersection design, subject to approval by the Department.

Where there are numerous accesses such as along an established municipal street or road, it may be desirable to reduce the radii in order to improve visual and physical separation of accesses. Where feasible or required by this Rule, combine or close accesses to reduce the frequency and increase the spacing between accesses.

To minimize pedestrian conflict and total access width at the roadway edge, construct radii no larger than required which accommodates the volume and type of vehicles using the access on a regular basis.

### 7.4.8 Speed Change Lanes

Speed change lanes conform to Department Standard Drawings 825-2 and 745-45.

### 7.4.9 Driveway Profile

- Use the flattest curve that can be obtained for all curb cuts with the vertical curve from the traveled way into the access.
- Use a suitable gradient for the driveway where curbs are used along the roadway and sidewalks are provided or contemplated. Slope the surface of the sidewalk gently from either side of the driveway. Design the driveway to permit storm
- flow to remain within the State Highway system and the development site respectively.

See the Department Standard Drawings for Driveway and Sidewalks, GW 4.

Keep driveway gradients, depicted in Figure 7.4-1, within the minimum and maximum ranges shown in Table 7.4-5.

**Figure 7.4-1: Typical Driveway Profile**

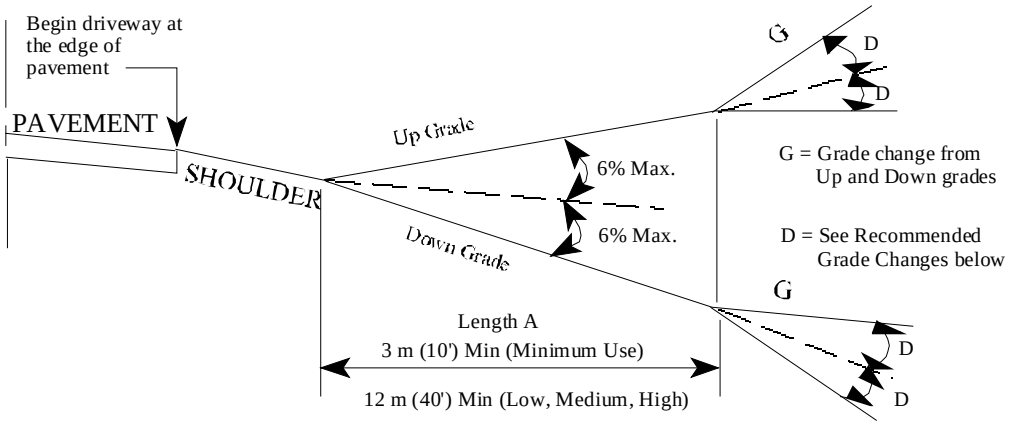

**Table 7.4-5: Recommended Driveway Grade Change (See 'D' in Figure 4-1)**

| Volume Level | Driveway Volume (ADT) | Minimum Grade Change (D) | Maximum Grade Change (D) |
|---|---|---|---|
| Low | 0-500 | ±6% | Controlled by vehicle clearance |
| Medium | 501-1500 | ±3% | ±6% |
| High | > 1501 | 0% | ±3% |

The profile of a driveway with a negative slope and without a highway edge curb (See Figure 7.4-1) conforms to the following standards:

- Make the gradient the same as the shoulder slope from the edge of the traveled way to the outer edge of the shoulder.
- Continue at the same slope as the shoulder from the outer edge of the shoulder. Make a downward gradient no more than six percent.
- Make sure a standard automobile is able to pass over all slope changes without dragging.

The standards for a driveway with a positive slope and without a highway edge curb (See Figure 7.4-1) are as followings:

- The gradient from the edge of the traveled way to the outer edge of the shoulder is the same as the shoulder slope.
- The gradient from the outer edge of the shoulder continues at the same slope as the shoulder. Make an upward gradient no more than 6%.
- Provide adequate clearance on all slope changes, at the front and rear overhang of the vehicle.

The standards for a driveway with highway edge curbs (See Figure 7.4-1) are as follows:

- Maintain a maximum six percent slope difference exists from the gutter line to the sidewalk (if any) between the downward cross slope of the traveled way and the upward slope of the driveway.
- Maintain a gradient of not more than six percent beyond the outer edge of the sidewalk.

### 7.4.10 Driveway Vertical Curves

Driveway vertical curves are as flat as feasible and at least 20 feet long. Avoid a hump or dip greater than 6 inches within a wheelbase of 10 feet on vertical curves in order to prevent vehicle center or overhang drag. Crest vertical curves should not exceed a 3-inch hump in a 10-foot chord and sag vertical curves may not exceed a 2-inch depression in a 10-foot chord to prevent center or overhang drag, with some allowance for load and bounce. Avoid rolled gutters crossed by traffic.

On uncurbed sections of highway the gradient of the driveway conforms to the slope of the shoulder from the edge of the traveled way to the outer edge of shoulder and thence slope

downward on a suitable grade to the gutter or low point over a culvert (swale where a culvert is not used). Continue downward or upward to match the abutting property. In some cases, it may be necessary to build an uncurbed gutter of a special design to prevent drainage onto adjacent private land.

### 7.4.11 Driveway Angle

Single driveways intersect the roadway at right angles. Where two driveways are used on one frontage and are to be used for access to and from both directions of travel on the highway, each driveway may be placed at an angle other than a right angle with the roadway edge, but the driveway angle may not be less than the minimums specified in Table7.4-6.

**Table 7.4-6: State Highway Driveway Angles**

| Land Use | | Desirable | Minimum |
|---|---|---|---|
| Commercial or Industrial | Two-Directional Use | 90° | 80° |
| | One-Directional Use - Right Turns Only Egress or Ingress | 90° | 60° |
| Residential or Farm Land | | 90° | 80° |

### 7.4.12 Emergency Access

An emergency access, when authorized in Section 7.3.12, may have a minimum width to serve one-way traffic and may be less than 16 feet wide. Design the radii to accommodate emergency vehicle profiles appropriate for the development. The access profile can be individually designed without compromising drainage or vertical curve minimums. Choose surfacing to minimize its visibility while still providing sufficient strength. Design the emergency access based on the standards of the local emergency services and with a suitable barrier to eliminate non-emergency use. The access will be maintained by the permittee, will be signed for emergency services only, and will only be opened during emergencies. Barriers will not be in the State Highway right-of-way and will not be maintained by the Department.

### 7.4.13 Other Design Elements

Access specifications ensure that the access is designed and constructed in a manner that will encourage proper use by the motorist. Access limiting turns may be requested to have a positive barrier such as a non-traversable median to prevent unauthorized turns either on the roadway or using the access. Intersection or driveway islands that channel traffic movements may be required for turn-restricted movements when no restrictive center median is in place or programmed to be constructed or it is likely that there will be frequent violations of the turn restrictions.

Design an access that has a gate across it so that the longest vehicle using it can clear the roadway when the gate is closed. Providing a wide shoulder for temporary standing while the gate is operated may be permitted or required if significant topographical features make this requirement infeasible.

Directing light beams toward the eyes of approaching drivers on the highway is prohibited. Locate all lighting equipment for the roadside development off the highway right-of-way.

Parking

Each roadside business establishment will provide sufficient private parking or storage space to handle the needs of that business. Parking or storing vehicles on the highway right-of-way is not allowed.

- Arrange traffic circulation on these areas to restrict backing onto the highway. No access will be granted for parking areas that require backing maneuvers within State Highway right-of-way.

Site Circulation

Design the access to facilitate the movement of vehicles from the highway to prevent the queuing of vehicles on the roadway.

- Include in all off-street parking areas, on-site maneuvering areas and aisles to permit user vehicles to enter and exit the site in forward drive without hesitation other than as directed by official traffic control devices.
- The Department may request the review of the parking lot layout and provide those terms and conditions and those design requirements necessary to ensure the safe use of the access.

Modal Considerations

Provide access design for the safe and convenient movement of all highway right-of-way users and modes of transportation including but not limited to pedestrians, bicyclists, transit, and the physically challenged. Sidewalks may be required where deemed appropriate by the Department or when required by the local authority. Bike paths and a local commitment to maintain the facility may be included in the access permit requirements upon request by the local authority.

The relocation or installation of highway signs, signals, lighting devices, or other traffic control devices necessary for the safe and the Department or its agent at the permitee's expense will complete proper operation and control of the access. Arrangements to share costs with other property owners and interests who will benefit from the devices may be made by the permittee. Where the access may warrant signalization in the future, phasing of the installation may be required. All traffic control devices within the highway or other public right-of-way or access that serve the general public will conform to the MUTCD.

Signage at Access Point

Any traffic control devices within the highway or other public right-of-way or access that serve the general public will conform to the current MUTCD.

Stop or yield signs are required for all driveways when warranted by traffic conditions.

Drainage

- No flow of storm water or spill will utilize the State highway drainage system.

Make provision in any access constructed or modified for site retention, detention, or accommodation such that no flow of storm water or spill utilize the State highway drainage system unless by prior analysis and agreement. Dispose of surface run-off originating on property under development in accordance with the master drainage plan of the cities and counties.

Construct all driveways and buffer areas to maintain a positive drainage system within the highway right-of-way and not alter the stability of the roadway sub-grade. The Department is not liable for the quality of drainage waters originating at service stations or special industrial processing plants that are directed into irrigation canals through highway drainage system. Such drainage concerns are the subject of separate agreements and permits by the developers and irrigation companies.

Access Construction

The Department will provide further details of access construction and design including pavement thickness and specifications, curb design and specifications, roadway fill design and compaction, testing and inspection, and other specific details.

Refer to the Department Standard Drawing, GW 4, Driveways, for more information on the standard design concerning driveway design.

- **A construction permit must be obtained prior to any construction in the State Highway right of way.**

The permittee will notify the Department at least two working days prior to any construction within State Highway right-of-way. Do not proceed with construction of the access until the access permit is issued. Complete the access in an expeditious and safe manner and finish within 90 days from initiation of construction within the highway right-of-way.

Traffic Control Plan

Prepare a traffic control plan when required, sealed (stamped) by a licensed Professional Engineer in the State of Utah, consistent with the MUTCD, and acceptable by the Department prior to any construction within the right-of-way. Construction may not commence until the traffic control plan has received the approval the Department. Plans may be revised as necessary with Department concurrence. Address the following issues in the traffic control plan:

- Construction phasing
- Lane/shoulder closures
- Tapers and device spacing
- Sign boards, arrow boards, and variable message signs
- Temporary modifications to traffic signals

- Time restrictions and work schedule
- Lane shifts
- Flagging operations

Buffer Area/Sight Distance

Insure adequate sight distance for traffic operation, proper drainage, suitable slopes for maintenance operations, and good appearance if the buffer area between the traveled way and the right of way line requires a re-grade by cutting or filling. Trees, shrubs, ground cover, or other landscape features may need to be removed, replaced, or suitably adjusted. Free the buffer area from of any encroachment that will hinder traffic. Grate or landscape the buffer area between driveways to prevent use by vehicles. Accomplish this by appropriate physical barriers such as curbing or fencing in a manner that does not impair clear sight across the area.

Install in accordance with and when applicable, UDOT Standard Drawings and the state and/or local health ordinance specifications for culverts, catch basins, drainage channels, and other drainage structures required within the buffer area and under the driveways as the result of the property being developed.

Surface

Appropriately surface driveways and connections between the traveled way and the service area. Hard surface the driveway on paved highways to the right-of-way line or 50 feet with concrete or bituminous surfacing of suitable quality.

## 8.0 RIGHT OF WAY ENCROACHMENTS

### 8.1 Highway Encroachments

Place no building or structure of any type upon State Highway rights of way unless authorized by a permit obtained from UDOT. Use no part of the right of way for servicing vehicles or equipment, displays, sales, exhibits, business overhang signs, parking areas, banners, or any other form of advertising, or the conduct of private business.

Requests for deviations, however, may be made to the Region Director or his authorized representative and approval of deviations may not compromise traffic flow or safety and is in the public interest.

### 8.2 Limited Time, Special Highway Encroachments

Private advertising or business endeavors on federally funded or other state highway rights of way is prohibited. The use of the right of way on a limited time basis for special advertising purposes may be allowed. A permitted encroachment to occupy the right of way may be issued, for a time not to exceed one week. To be authorized, these encroachments may not compromise traffic flow or safety and must be in the public interest.

## 8.3 Special Permits

For special encroachments, such as parades, Christmas decorations, handbills, banners advertising special events, etc., any individual, political entity, partnership or corporation must apply for a special permit. Approval for special permits will be given only to those that do not compromise traffic flow or safety and are in the public interest.

## 8.4 Special Limitations

All permits issued for special encroachments are subject to the following conditions:

- Red or Reddish Colored Lights
  Red or reddish colored decorations or advertising lights are not permitted within the right of way.
- Clearance Over Highway Surface
  Any decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item placed within the right of way must have a minimum clearance of 20 feet.
- Utility Poles
  Attach no decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item to a utility facility without written permission of the appropriate utility company.
- Signs and Other Devices
  No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item can block the normal view of any official highway sign or other traffic control device and signals.

Advertising signs placed on owner's real property within 300 feet of highway rights-of-way may require a permit from the UDOT Region Director or an authorized representative in accordance with Utah Code Section 72-7-503 - "Advertising - Permit Required - Penalty for Violation."

No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item can be of such shape, size, color or design similar to any UDOT traffic control sign, signal, marking or device.

No attachments of any type will be allowed on traffic signals.

## 8.5 Sight Obstructions

No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item can obstruct the normal view of traffic.

In accordance with Utah Code Section 41-6-19 "Removal of Plants or Other Obstructions Impairing View, Notice to Owner-Penalty." owners of real property next to highway rights of way will be ordered to remove any trees, plants, shrubs or any other obstructions that obstruct the view of motorists and thereby constitute a hazard.

## 8.6 Obstructing Traffic

No decoration, display structure or other advertising or decoration item can be placed within the right of way that may obstruct, impede or endanger the normal flow of traffic.

## 8.7 Insurance

Permit holder is required to have in force a liability insurance policy, naming UDOT as an additional insured, the amount of to be determined by the UDOT Region Director or his authorized representative.

## 8.8 Construction Zone Traffic Control

To assure the safe placement of the encroachment, the permittee provides and has approved by UDOT a traffic control plan for the construction site. The traffic control plan must be approved before beginning work.

## 8.9 Mailboxes

### 8.9.1 New Mailboxes

Application to install a new mailbox within the right of way of State Highways is made to the UDOT Region Director or his authorized representative. All new mailboxes placed within the right of way of State Highways and constructed in conformance with UDOT's Standard Plan Drawings GW-7 and GW-8.

### 8.9.2 Existing Mailboxes

Owners of existing mailboxes that constitute a traffic hazard will be notified in writing by the UDOT Region Director or his authorized representative. The owner must correct any deficiencies to be in conformance with current safety standards and regulations of the Department of Transportation at his own expense within thirty days of the receipt of the notice. A copy of the notice will also be sent to the local postmaster.

If the owner fails to comply with the notice, a Region representative must contact the postmaster to stop the delivery of mail until the owner complies with UDOT policy.

Mailboxes and supports that are in poor repair and detract from the appearance of the highway, or if any part of the mailbox is within the shoulder of the road or is over ~~1270 mm~~ 50 inches high, are considered as nonconforming and must be reconstructed or replaced at the owner's expense.

Mailbox supports that do not comply with the following are considered nonconforming and must be reconstructed or replaced at the owner's expense.

1. Wood support with over 16 square inches cross-sectional area.
   Metal support if the support is over 3.5 inches in greatest dimension or on pipe of over 2 inches in diameter. If such metal supports are deemed to be a hazard by

the UDOT Region Director or his authorized representative, they are considered as nonconforming.

## 9.0 LONGITUDINAL ACCESS TO INTERSTATE HIGHWAY RIGHT-OF-WAY FOR TELECOMMUNICATION FACILITIES

### 9.1 General Provisions

The provisions of this section are authorized by the Utah Code Section 72-7-108 Longitudinal telecommunication access in the Interstate highway system - Definitions - Agreements - Compensation - Restrictions - Rulemaking.

UDOT acquires rights-of-way that are adequate not only for the construction of the Interstate highway, but also for its safe operation and maintenance.

The rights-of-way are devoted exclusively to public highway purposes, except that certain non-highway uses of rights-of-way are allowed which are in the public interest, provided the uses do not impair or interfere with the free and safe flow of traffic and highway maintenance.

UDOT recognizes that it is in the public interest for Providers to use the Interstate highway when it does not interfere with the primary purpose of the highway.

The term “Provider” in this chapter includes the telecommunication entity applying for permits, conducting the work, hiring subcontractors the Provider hires to complete permitted work. All references to the Provider are inclusive.

The term “UDOT” in this chapter includes all authorized representatives of the Utah Department of Transportation.

UDOT routinely inspects the work of the Provider for compliance with the license agreement, the permit, and State and Federal regulations. UDOT bills all costs of construction inspection to the Provider, and receives the funds from the Provider.

- The Provider notifies UDOT 24 hours in advance of conducting any construction.
- Failure to notify revokes the permit, causes Provider to default the telecommunication provider license, and removes the Provider from the Interstate right-of-way.

### 9.2 Permit Process

Publication of Notice of the Opportunity: UDOT advertises the availability of opportunities for constructing and installing telecommunications facilities in Interstate System highway rights-of-way.

UDOT grants a license to any Provider who enters into a License Agreement with UDOT to use a right-of-way for construction, maintenance, repair, operation, subsurface line, and/or wireless towers.

UDOT's review team consists of the Chief Utility Engineer or his/her representative, Region Permit Officer, Region Operating Engineer, Region Environmental Engineer, Region Right-of-Way Engineer, Region Hydraulics Engineer, Region Traffic Engineer, ITS manager, Preconstruction Engineer, Structural Engineer and other technical expert required to properly review planned facility installation.

When the proposed project crosses several regions, a team from each region reviews the section of the project within their region. The review teams submit their comments and recommendation for approval to the Chief Utility Engineer or designee.

Permit application: The Provider performs work under a permit after the execution of a License Agreement.

The Provider desiring a permit to use UDOT's right-of-way submits to the UDOT review team a detailed set of plans showing:

- proposed work
- all existing facilities within the UDOT right-of-way
- a traffic control plan

The Provider submits a copy of the Environmental document and all required environmental permits to UDOT. Provider is responsible for complying with all environmental requirements as outlined in:

- UDOT's Specifications For Road and Bridge Construction CSI Format, Section 01355 Environmental Protection.
- Letter dated October 9, 1997 issued by UDOT's Deputy Director.

The review and approval of the Environmental Document by UDOT does not relieve the Provider from any liability due to errors or omissions in the Document.

Except in emergency situations as provided in Section 5.11 of this rule, UDOT does not allow any Provider or person to dig up, disturb, or alter the land surface or the roadway surface within the right-of-way of any Interstate Highway under any License Agreement until Provider or person first obtains a written permit from UDOT.

Permits contain reasonable terms and conditions pertaining to crossing, excavating, placing, constructing, and maintaining conduits, facilities, or any other structures or objects on rights-of-way.

For each permit issued, UDOT recovers the cost of the plan reviews.

UDOT requires both a Payment Bond and a Performance Bond from the Provider at the time of the execution of the permit, and determines the amount of the bonds at the time the permit is issued.

Bonds run for three years after completion of the work to guarantee satisfactory performance. The Provider's liability is not limited to the amount of the bonds.

UDOT may proceed against the Performance Bond to recover all expenses incurred by UDOT, its employees or representatives, in bringing the section of Interstate right-of-way interfered with to required standards.

UDOT may proceed against the Payment Bond to recover all expenses incurred by UDOT for plan review, permit issuance, and inspection costs.

The Provider may not begin excavations and/or other operations on UDOT property or right-of-way until the Provider gives notice to UDOT and obtains a permit. The Provider completes the construction in accordance with approved plans.

The Provider completes work covered by the permit as specified in the license agreement.

Failure to complete the work within the specified time gives UDOT the option of extending the time or revoking the permit and using the bond to restore UDOT's right-of-way to its original condition.

Time extensions will be in writing and approved by UDOT.

UDOT retains the right to cancel the permit and remove the facility and restore the Interstate right-of-way at the sole expense of the Provider if the Provider fails to:

- Construct, maintain or remove said telecommunication facility in accordance with the terms of the permit to the entire satisfaction of UDOT, or
- Pay UDOT any sum of money for the inspection, or reconstruction of UDOT's right-of-way to its original condition.

Before UDOT cancels the permit, it notifies the Provider in writing, discloses violations, and gives the Provider a reasonable time to make full corrections.

## 9.3 Right-of-Way Use Conditions and Requirements

The following provisions apply to all telecommunication facilities:

### 9.3.1 Transferability

Do not transfer permitted interest to another Provider or person except by written consent of UDOT.

### 9.3.2 Indemnification

Permit holder, at all times, indemnify and hold harmless UDOT, its employees and the State of Utah from responsibility for any damage or liability arising from their construction, maintenance, repair, operation, or use of their facilities.

### 9.3.3 Maintenance

Provider is responsible for maintaining the excavation for a period of three years in accordance with applicable specifications for excavations on Interstate highway rights-of-way.

### 9.3.4 Blue Stakes

Provider must comply with Utah Code 54-8a before beginning any excavations.

### 9.3.5 Relocation

Pursuant to Utah code 72-6-116 UDOT may require the Provider to relocate the telecommunication facilities located on any Interstate right-of-way when highway changes are required to provide for the free and safe flow of traffic.

## 9.4 Telecommunication Facility Installation Requirements

### 9.4.1 Location

Provider locates telecommunication facilities to eliminate or minimize need for later adjustment to accommodate future highway improvements, and permit access for servicing with minimum interference to highway traffic.

### 9.4.2 Installation

Locate longitudinal telecommunication facility installations on a uniform alignment no closer than 3 feet from the right-of-way fence at a location approved by UDOT to provide a safe environment for traffic operation, and preserve space for future highway improvements or other telecommunication facility provider installations.

Place by boring, new transverse telecommunication facility installations permitted under highways. Open excavation is not allowed under the Interstate pavement or within the Interstate clear zone.

To the extent feasible and practical, place telecommunication facility highway crossings on a line generally 90 degrees to the highway alignment.

Place the horizontal and vertical location of above ground telecommunication facilities within the highway right-of-way limits to conform to the clear zone policies as defined in the most current edition of the AASHTO "Roadside Design Guide."

### 9.4.3 Plans

Keep on file and make available to UDOT upon request, reproducible plans (including electronic plans) showing the location of the telecommunication facilities. Electronic as-built plans must be available within 60 days of completion of installation. Redline drawings must be made available immediately upon completion of installation at the request of UDOT. Electronic files must be in a format compatible with Microstation in accordance with UDOT CADD standards. The Provider maintains plans and electronic files updated with horizontal and vertical ties to the centerline of the highway, so that the exact location of the facility may be established as the need arises.

### 9.4.4 Other Requirements

In general, apply controls previously outlined for pipelines as related to burial depth, encasement, and installation to underground installations of communication lines. Conform to Section 5.21. Provide loops which will allow placement of above ground appurtenances such as splice box closures, underground distribution terminals, etc., as close to the highway right-of-way as is possible, or outside of the right-of-way on private right-of-way as determined by a UDOT authorized representative.

## 9.5 Design Requirements

### 9.5.1 General

The Provider is responsible for the design of the facility to be installed within the highway rights-of-way. UDOT is responsible for reviewing and accepting the Provider's proposal, particularly the installation method used including the measures to preserve the safe and free flow of traffic, structural integrity of the highway, ease of highway maintenance, and appearance of the highway.

Provider designs distribution or service line crossings of Interstate highways such that the need for crossings by telecommunication service connections is minimized.

As a minimum, meet the requirements of the most current edition of the National Electrical Safety Code for all telecommunication facility installations on, over, or under the UDOT rights-of-way.

Design ground-mounted telecommunication facilities to be compatible with the scenic quality of the specific Interstate highway section in question.

Design all telecommunication facilities on, over, or under on highway right-of-way of durable materials and for long service life expectancy reasonably free from servicing and maintenance.

On new installations or adjustments of existing telecommunication facilities, make known any provisions for planned expansion of the facilities. Plan to avoid interference when additional underground lines are installed at some future date.

## 9.6 Appurtenances

### 9.6.1 General

The Provider is required to install readily identifiable and suitable markers at 500 foot intervals or line of sight as near as practical to UDOT’s right-of-way line.

Do not locate handholes in the pavement or shoulders of Interstate highways, unless approved by UDOT. Design and locate handholes to cause the least interference to other utilities and future highway expansion. Provider bears the cost of adjusting handholes to fit new or reconstructed highway paving, grading or slope flattening.

## 9.7 Costs

### 9.7.1 General

On new installations, the Provider pays for the entire costs of the telecommunication facility. If a highway is reconstructed requiring adjustment of handholes or relocation of the telecommunication facility on the right-and pays all costs incident to adjusting handholes or relocating any part of the telecommunication facility.

## 9.8 Future Highway Construction

As a condition of permitting a new telecommunication facility in an Interstate right-of-way, UDOT retains the right to cross such facility at any point necessary for future construction, expansion or improvement of its highway system, provided that UDOT uses due care in protecting the telecommunication facility.

## 9.9 Overhead Telecommunication Lines

Avoid the following except where the Executive Director or his or her designee finds hardship or impracticality:

- Above-ground installations
- Huts, pedestals, boxes, or other equipment and devices within the highway right-of-way

## 9.10 Miscellaneous

### 9.10.1 Minimize the size of a disturbed area.

Use construction methods in accordance with UDOT specifications and in compliance with the conditions of the License Agreements and permits. Promptly repair unsatisfactory restoration work.

### 9.10.2 Telecommunications

The telecommunication provider is required to obtain written permission from UDOT before disturbing trees that are located within the Interstate right-of-way. When the removal of a tree is permitted, remove the stump and properly backfill the hole. UDOT may require replacement with several trees as appropriate and approved by UDOT to assure equal restoration and mitigation.

Keep all telecommunication facilities in a good state of repair both structurally and in appearance.